

The City Record

Official Publication of the Council of the City of Cleveland



October the Thirteenth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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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

Debra M. Janik, Chief of Staff
Darnell Brown, Chief Operating Officer
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Galen L. Schuerlein, Executive Assistant
_____, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

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

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

DEPT. OF PUBLIC UTILITIES – 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 Bahur, 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 – Randall T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

DIVISIONS: Air Quality – _____, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

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

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – 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, Christopher Carmody, _____, Secretary.

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Bauknight, 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 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, OCTOBER 13, 2004

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CITY COUNCIL

MONDAY, OCTOBER 11, 2004

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, October 11, 2004

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

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

Also present were Mayor Campbell, Chief Operating Officer Brown, Chief of Staff Janik, Directors Chandra, Baker, Ciaccia, Mok, Carroll, Watson, N. Ronayne, Rush, Huth, Fumich, Taylor, Johnson, and Margaret Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Father Robert Jasany of St. John Nepomucini Church, located at 3785 Independence Road, located in Ward 12. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1988-04.

From Local Initiatives Support Corporation — announcement letter regarding Senior Program Director India Pierce Lee. Received.

File No. 1989-04.

From Ohio Public Employees Retirement System — receipt letter for Resolution No. 195-03. Received.

File No. 1990-04.

From Burten, Bell, Carr Development, Inc. — appreciation letter to Clerk of Council. Received.

File No. 1991-04.

From John Carroll University — cancellation letter regarding Council tour to Dolan Center for Science and Technology. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1992-04.

Re: New Application — 47246153294 — Kmart Corp, d.b.a. Kmart #3292, 3250 West 25th Street. (Ward 17). Received.

File No. 1943-04.

Re: Transfer of Ownership Application — 1421706 — Chesters All Service Mart, Inc., d.b.a. Quik Pik Market, 1930 East 79th Street. (Ward 7). Received.

File No. 1994-04.

Re: Transfer of Ownership Application — 0006233 — A & O Beverage, Inc., d.b.a. MO Zie In Beverage, 14016 Triskett Road. (Ward 20). Received.

File No. 1995-04.

Re: Transfer of Ownership Application — 87987000175 — Tap Stations Investments, LLC, 15222 Waterloo Road. (Ward 11). Received.

File No. 1996-04.

Re: Transfer of Ownership and Location Application — 4004310 — House of Blues Cleveland LLC, d.b.a. House of Blues, 308 Euclid Avenue and Patio. (Ward 13). Received.

PLATS

File No. 412-03.

Dedication Plat of Relocated Old Grayton Road. (Ward 20).

Approved by 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. 1997-04 — Elder Oliver D. Bouie.

Res. No. 1998-04—Henry Lee Bell.

Res. No. 1999-04—Frances Griffin Shaver.

CONGRATULATION RESOLUTIONS

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

Res. No. 2000-04 — Sister Corita Ambro.

Res. No. 2001-04 — St. Jerome's Parish.

APPRECIATION RESOLUTIONS

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

Res. No. 2002-04 — Elder Wardell Harris.

Res. No. 2003-04—Douglas P. Carpenter Playground.

WELCOME RESOLUTION

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

Res. No. 2004-04—Ian Hunter.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1960-04.

By Council Members O'Malley, Gordon, Cimperman and Jackson.

An emergency ordinance declaring the property located at 5305 Wetzel Avenue and 3702 Leopold Avenue blighted premises under Sections 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell the premises to Old Brooklyn Neighborhood Services, Inc.

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 the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976, including obtaining the consent of the Councilmember in whose ward the premises are located, the Director of Community Development has found and determined that Permanent Parcel No. 012-23-021, located at 5305 Wetzel Avenue and owned by Frank A. Katona aka Frank A. Katona, and that Permanent Parcel No. 011-02-004, located at 3702 Leopold Avenue, owned by James A. Dye, are blighted premises, as defined by Section 324.03 of the Codified Ordinances, because the blighted premises have been found to be in violation of the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the

City of Cleveland to acquire the blighted premises because the owners have not responded to a lawful order by the City to take action to eliminate its recurrence within thirty (30) days after due notice thereof.

Section 2. That a public hearing was held in accordance and compliance with the requirements of Section 324.08 and 324.09 of the Codified Ordinances.

Section 3. That, based on the factors set forth above and compliance with the public notice requirements above, the Council, as required by Sections 324.10 and 324.11 of the Codified Ordinances, finds and determines that the areas described above are blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises is necessary in order to eliminate the blight and prevent its recurrence.

Section 4. That based on the findings and declarations set forth herein, the Director of Community Development is authorized to negotiate the acquisition of the blighted premises from the owners.

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described blighted premises:

Permanent Parcel Number 012-23-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 14 in the Phillip Wetzel Highview Allotment of part of Original Brooklyn Township Lots 41 and 40, as shown by the recorded plat in Volume 54 of Maps, Page 32 of Cuyahoga County records.

Permanent Parcel Number 011-02-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 5 in Pearl St. Realty Co. Subdivision of part of Original Brooklyn Township Lot No. 58, as shown by the recorded plat in Volume 46 of Maps, Page 3 of Cuyahoga County Records and being 35 feet front on the Northerly side of Leopold Avenue and extending back 103.75 feet on the Westerly line, 103.63 feet on the Easterly line and having a rear line of 35.00 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 6. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, relocation, and all other costs necessary for the acquisition of the properties.

Section 7. That the Director of Community Development is authorized to enter into and execute a project agreement on behalf of the City of Cleveland with Old Brooklyn Neighborhood Services, Inc. (the "Developer") for the redevelopment or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises.

Section 8. That the consideration to be paid for these properties shall be fair market value, payable from the fund or funds which are appropriated for this purpose.

Section 9. That the Commissioner of Purchases and Supplies is authorized to convey the blighted properties described in this ordinance to the Developer, for fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 10. That the conveyance shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 11. That the Mayor, Director of Law and the Director of Community Development are authorized to execute such certifications and documents, and to take other actions as may be necessary or appropriate in connection with the carrying out of the terms of the project agreement, and the activities contemplated by Chapter 324 of the Codified Ordinances.

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

Ord. No. 1961-04.

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

An emergency ordinance approving a Memorandum of Understanding with Continental Airlines, Inc.; authorizing the Mayor and the Director of Port Control to enter into the MOU; and authorizing the Director of Port Control to enter into an amendment to Contract No. 38171 and similar contracts with other signatory airlines necessary to effectuate the purposes of the Memorandum of Understanding.

Whereas, on May 15, 1987, the City and Continental Airlines, Inc. ("Continental") entered into a long-term Agreement and Lease authorizing Continental to use certain premises for operations at Cleveland Hopkins International Airport (City Contract No. 38171) (the "Existing Agreement"); and

Whereas, modifications to the Existing Agreement are desired by both the City and Continental; and

Whereas, the City is party to agreements substantially similar to the Existing Agreement with other signatory airlines at the Airport (the "Other Agreements"); and

Whereas, the City and Continental intend to engage in good faith negotiations leading to the execution of an amendment to the Existing Agree-

ment (the "Amended Agreement") consistent with the change in terms contemplated by the Memorandum of Understanding ("MOU") contained as a file in this ordinance; and

Whereas, the City intends to engage in good faith negotiations with other signatory airlines leading to the execution of definitive agreements (the "Other Amendments") substantially similar to the Amended Agreement; and

Whereas, among other things, the MOU contemplates extending the term of the Existing Agreement and the Other Agreements for an additional ten-year term commencing December 31, 2005, modifies certain business terms that provide for reduced costs to Continental and the other signatory airlines at the Airport, and contemplates the City constructing certain capital improvements at the Airport; and

Whereas, these modifications to the Existing Agreement and the Other Agreements will mutually benefit the City, Continental, and the other signatory airlines; and

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

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

Section 1. That, notwithstanding any other ordinance to the contrary, this Council approves the MOU with Continental contained in File No. 1961-04-A, and authorizes the Mayor and the Director of Port Control to enter into the MOU.

Section 2. That the Director of Port Control is authorized to enter into the Amended Agreement as contemplated by the MOU.

Section 3. That the Director of Port Control is authorized to enter into the Other Amendments as further contemplated by the MOU.

Section 4. That the Amended Agreement and the Other Agreements will contain such additional terms and conditions as are not inconsistent with the MOU as may be agreed upon by the Director of Port Control and Continental and approved by the Director of Law.

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

Ord. No. 1962-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with University Circle Incorporated, or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the acquisition and rehabilitation of the University Circle Place Apartments at 11309 Euclid Avenue.

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

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into a Community Development Block Grant Float Loan Agreement with University Circle Incorporated, or its designee, to provide financial assistance to partially finance the acquisition and rehabilitation of the University Circle Place Apartments at 11309 Euclid Avenue.

Section 2. That the terms of the loan shall be determined by the Director of Community Development in accordance with Federal regulations, State and local laws, and the director is authorized to amend the terms, from time to time, as the director deems necessary to remain consistent with the laws and regulations.

Section 3. That the aggregate cost of the agreement shall not exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) and shall be paid from Fund No. 14 SF 810, Request No. 125780.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of the loan.

Section 5. That the Director of Community Development is authorized to accept collateral as the director deems adequate in order to secure repayment of the loan. Any and all security instrument agreements or other agreements shall be prepared and approved by the Director of Law.

Section 6. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

Section 7. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of the loan application, closing, and servicing of the loan.

Section 8. That the Director of Law is authorized to prepare the contract and any other documents as may be appropriate to complete the transactions.

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

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

Ord. No. 1963-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 53381 originally with Flats Realty, LTD, a holding company for Cleveland Granite & Marble to change certain terms of the agreement.

Whereas, in August 1998, the Director of Economic Development entered into Contract No. 53381 with Flats Realty, LTD, a holding company for Cleveland Granite & Marble, for the acquisition of new machinery and equipment, including improvements to their existing facility at 955 West Street; and

Whereas, in 2002, Cleveland Granite & Marble outgrew their location and grew from 25 to 38 employees; and

Whereas, in 2003, Kim & Jose Lisboa, the owners of Cleveland Granite & Marble, purchased and renovated a vacant building at 4400 Carnegie Avenue under the name of JKJ Realty, LLC in order to accommodate its growing business; and

Whereas, the owners have an agreement to sell their old building in the Flats which will net for approximately \$50,000; and

Whereas, the owners will convey the \$50,000 to the City of Cleveland, although these proceeds will be insufficient to pay off the City's loan balance in its entirety, which currently is \$212,439 and which will mature in 2008; and

Whereas, the promissory note and the remaining mortgage, approximately \$162,439, will be transferred to the new property at 4400 Carnegie Avenue; and

Whereas, by doing so, the City will receive a third position mortgage on the 4400 Carnegie Avenue property which improves its loan-to-value ratio over the Flats property; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 53381 with Flats Realty, LTD, a holding company for Cleveland Granite & Marble, to (1) change the name of the borrower from Flats Realty, LTD to JKJ Realty, LLC.; (2) to change the location of the project site from 955 West Street, Cleveland, Ohio 44113, to 4400 Carnegie Avenue, Cleveland, Ohio 44103; and (3) to transfer the promissory note and mortgage to JKJ Realty, LLC.

Section 2. That all other terms and conditions of the original contract shall remain the same.

Section 3. That the amendment shall be prepared by the Director of Law and shall contain terms and provisions as the Director deems necessary to protect and benefit the public interest.

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

**Ord. No. 1983-04.
By Council Members Dolan, Reed,
White and Jackson.**

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 687B.01 and 687B.02, relating to carnival operators.

Whereas, carnival operators temporarily set up and operate games and amusement devices within the City at area festivals and community events; and

Whereas, these games and amusement devices are enjoyed by children; and

Whereas, carnival operators are in close proximity to children; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the regulation of carnival operators will assist the City in protecting the health and safety of young children; 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 hereby supplemented by enacting new Sections 687B.01 and 687B.02, to read as follows:

**Chapter 687 B
Carnival Operators**

Section 687B.01 Definition

"Carnival Operator", for the purposes of this chapter, means any individual who operates any game or amusement device on public property or private property with or without admission fee in connection with a festival or community event.

Section 687B.02 Permit Required for Carnival Operators

(a) No carnival operator shall operate any game or amusement device without a first obtaining a carnival operator permit issued by

the Director of Public Safety in accordance with this section.

(b) The permit application to operate any game or amusement device shall be furnished by the Director of Public Safety and shall contain, at a minimum, the following information in a signed and sworn statement:

(1) the name, address, date of birth, and social security number of the applicant and each employee or volunteer who will be assisting in the operation of any game or amusement device on behalf of the applicant;

(2) the location at which the carnival operator will operate the game or amusement device;

(3) the days of the week and the times on each of such days when the carnival operator will operate any game or amusement device;

(4) a checklist requiring the applicant to disclose whether or not he or she or any employee or volunteer who will be assisting in the operation of any game or amusement device on behalf of the applicant has ever been convicted of or plead guilty to any of the following criminal offenses:

- a) any felony offense;
 - b) any offense involving a minor;
 - c) any drug related offense;
 - d) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
 - e) assault; and
 - f) unlawful possession of weapons;
- and

(5) any other information that the Director of Public Safety determines necessary.

(c) A _____ dollar (\$____) fee for each carnival operator permit shall accompany each permit application to defray the expenses incurred in the administration of the provisions of this Section.

(d) The Director of Public Safety may refuse to grant a permit to a carnival operator or may revoke a permit, for any one or more of the following reasons:

a) the applicant or carnival operator, including any employee or volunteer assisting in the operation of any game or amusement device on behalf of the applicant has been convicted of or plead guilty to any criminal offense involving minors;

b) the applicant or carnival operator fails or failed to comply with any provision of this section; or

c) the applicant or carnival operator makes or made an incorrect or false statement in the permit application.

(e) Permits issued to carnival operators shall be posted in a conspicuous location at the time the game or amusement device is in operation.

(f) Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each day upon which a violation occurs shall constitute a separate offense and shall be punishable as such hereunder.

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.

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

FIRST READING ORDINANCE REFERRED

Ord. No. 1964-04.

By Council Member Zone.

An ordinance establishing a Planned Unit Development Overlay District and changing the Use, Area and Height Districts of parcels bounded by W. 76th Street, Goodwalt Ave. and W. 73rd Street from General Industry, Semi-Industry and Two Family to a Multi-Family Residential District, an 'F' Area District and a '3' Height District (Map Change No. 2140, Sheet No. 1)

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

Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of W. J. Gordon's Allotment of part of Original Brooklyn Township Lot Nos. 29 and 30, as shown by the plat recorded in Volume 17 Page 9 of Cuyahoga County Map Records, part of George Smith's Allotment of part of Original Brooklyn Township Lot No. 30 as shown by the plat recorded in Volume 17 Page 12 of Cuyahoga County Map Records, part of Minerva Ramsey's Allotment of part of Original Brooklyn Township Lot No. 30 as shown by the plat recorded in Volume 7 Page 29 of Cuyahoga County Map Records, all of that portion of West 74th Street vacated by Ordinance No. 1140-75 and shown by the plat recorded in Volume 217 Page 34 of Cuyahoga County Map Records, all of that portion of Stanweld Avenue N. W. vacated by Ordinance No. 1509-72 and shown by the plat recorded in Volume 211 Page 72 of Cuyahoga County Map Records and all those portions of Darlington Street N. W., West 75th Street, and a 10 foot wide alley vacated by Ordinance No. 6426 and further bounded and described as follows:

Beginning at a Monument Stone found on the centerline of Goodwalt Avenue (40 feet wide), said point being the principal point of beginning of the premises herein intended to be described;

Thence S 89°-56'-53" W, along said centerline of Goodwalt Avenue, passing through a Monument Stone found (0.47' W), a distance of 135.02 feet to a PK Nail found (0.07' N & 0.53' W), at its intersection with the centerline of West 76th Street (50 feet wide);

Thence N 00°-01'-18" W, along centerline of said West 76th Street, a distance of 647.69 feet to its intersection with the southerly line of the Conrail right-of-way;

Thence N 63°-31'-18" E, along the southerly line of said Conrail right-of-way, a distance of 885.68 feet, passing through a 5/8" iron pin found (ID - D&N 6914/7315 - 1.02'S & 0.09' W) on the westerly line of West 73rd Street (50 feet wide) to its intersection with the northerly prolongation of the centerline of West 73rd Street;

Thence S 00°-33'-18" W, along the centerline of said West 73rd Street passing through a Monument w/1" iron pin found, a distance of 848.47 feet to its intersection with the westerly prolongation of the southerly line of a parcel of land conveyed to O'Malley Building Company Inc. by deed dated May 11, 1993 and recorded in Vol. 93-4450, Pg. 46 of Cuyahoga County Map Records;

Thence S 89°-26'-39" E, along said southerly line a distance of 173.56 feet, passing through a 5/8" iron pin found (0.24' S & 0.03' W) on the easterly line of West 73rd Street (50 feet wide) to its intersection with the westerly line of Waite and Edwards Subdivision as shown by the plat recorded in Volume 9 Page 16 of Cuyahoga County Map Records;

Thence S 00°-22'-06" W, along said westerly line of Waite and Edwards Subdivision, a distance of 214.00 feet to its intersection with the northerly line of a parcel of land conveyed to Stadium Corp. LLC by deed dated May 17, 2002 and recorded as Auditor's File No. 200205170734;

Thence S 89°-26'-24" W, along the said northerly line passing through a 5/8" iron pin found (0.25' S & 0.03' W) on the easterly line of West 73rd Street (50 feet wide) a distance of 174.26 feet to its intersection with the centerline of W. 73rd Street;

Thence N 00°-33'-18" E, along the centerline of said West 73rd Street a distance of 172.68 feet to its intersection with the easterly prolongation of the northerly line of land conveyed to Michael M. & Karen O'Malley by deed dated July 11, 2002 and recorded as Auditor's File No. 200207110851;

Thence N 89°-26'-42" W, along the northerly line of land so conveyed, passing through a 5/8" iron pin found (ID - D&N 6914/7315 - 0.16' N), a distance of 192.58 feet to a 5/8" iron pin found (ID - D&N 6914/7315 - 0.15' N) at its intersection with the easterly line of George Smith's Allotment;

Thence S 00°-33'-18" W, along the easterly line of said George Smith's Allotment, a distance of 125.00 feet to its intersection with the northerly line of said Goodwalt Avenue;

Thence S 89°-26'-42" E, along the northerly line of said Goodwalt Avenue, a distance of 2.74 feet to its intersection with easterly line of West 74th Place (28 feet wide);

Thence S 00°-35'-23" W, along said easterly line of West 74th Place, a distance of 11.42 feet to its intersection with the easterly prolongation of the centerline of Goodwalt Avenue;

Thence S 89°-26'-42" W, along said prolongation of the centerline of Goodwalt Avenue, a distance of 12.64 feet to its intersection with the centerline of W. 74th Place;

Thence S 00°-35'-23" W, along said center line of West 74th Place, a distance of 101.49 feet to its intersection with the easterly prolongation of the northerly line of land conveyed to Calin P. Farcas by deed dated July 9, 1993 and recorded in Vol. 93-7144, Page 41 of Cuyahoga County Map Records;

Thence S 89°-29'-51" W, along said prolongation and northerly line, passing through a 5/8" iron pin found (0.19' N), a distance of 134.00 feet to a 5/8" iron pin found (0.11' S & 0.12' E) and a Drill hole found (0.30' S & 0.36' W) at its intersection with the easterly line of Sublot No. 5 in said George Smith Allotment;

Thence N 00°-35'-23" E, along said easterly line and its northerly prolongation a distance of 95.00 feet to a point on the center line of said Goodwalt Avenue;

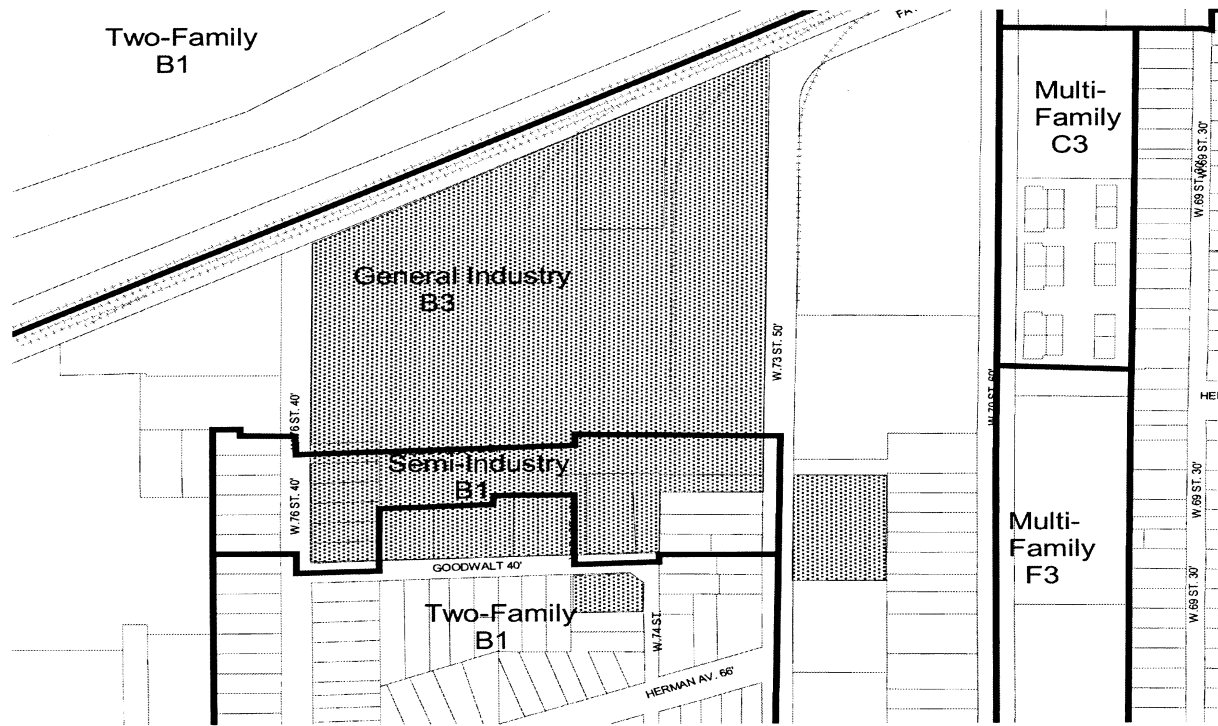
Thence S 87°-43'-48" W, along said centerline of Goodwalt Avenue, a distance of 311.29 feet to the principal point of beginning and containing 15.6402 acres of land

and as outlined and shaded on the attached map is designated a Planned Unit Development Overlay District (PUD) in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976 and changed to a Multi-Family Residential District, an 'F' Area District and a '3' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2140, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland 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 this purpose by the City Planning Commission.

Section 3. That no building permit shall be issued by the City of Cleveland for property located within the Planned Unit Development Overlay District established by this ordinance unless the building permit application conforms with the PUD project plan approved by this ordinance.

Section 4. 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
RESOLUTIONS REFERRED**

Res. No. 1965-04.

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

An emergency resolution declaring the intention to vacate a portion of the first unnamed alley west of East 79th Street.

Whereas, this Council is satisfied that there is good cause to vacate a portion of the first unnamed alley west of East 79th Street, as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of the first unnamed alley (12 feet wide), West of East 79th Street (50 feet wide) extending northerly from the North line of Central Avenue (60 feet wide) to the South line of Sublot 26 in Fenton & Cody's Subdivision as shown in Volume 15 Page 35 of the Cuyahoga County Map Records.

Legal description approved by Greg J. Esber

Plats, Surveys and House Numbering Section

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

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

Res. No. 1966-04.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of developing a park on Ansel Road near Korman Avenue for the Department of Parks, Recreation and Properties.

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 for the public purpose of developing a park, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at Ansel Road near Korman Avenue:

P. P. No. 107-04-029
Ansel Road near Korman Avenue

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

Ohio, and known as being Sub Lot No. 46 in Zenas King's Subdivision of part of Original One Hundred Acre Lots Nos. 367 and 375, as shown by the recorded plat in Volume 14 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Ansel Road, N.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

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

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

Ord. No. 1967-04.

By Council Member Brady.
An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Westside Industrial Retention and Expansion Network for the Berea Road Business Redevelopment Plan through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the Westside Industrial Retention and Expansion Network for the Berea Road Business Redevelopment Plan for the public purpose of increasing business redevelopment and economic opportunities in the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$32,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1968-04.

By Council Member Conwell.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 584-04, passed April 5, 2004 as it pertains to the Forest Hills Parkway Empowerment Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the title and section 1 of Ordinance 584-04, passed April 5, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the **Cleveland Church of Christ Economic Development, Inc.**, for the Forest Hills Parkway Empowerment Program through the use of Ward 9 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the **Cleveland Church of Christ Economic Development, Inc.** for the Forest Hills Parkway Empowerment Program for the public purpose of providing comprehensive social support programs for Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the existing title and section 1 of Ordinance No. 584-04, passed April 5, 2004 are hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1969-04.

By Council Members Britt and Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Art Theatre for the Innovative After-School Program through the use of Ward 6 and 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Art Theatre for the Innovative After-School Program for the public purpose of providing performing arts education to youth residing in the City of Cleveland through the use of Wards 6 and 9 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1970-04.

By Council Member Gordon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Old Brooklyn Community Development Corporation for the Lower Big Creek Greenway Redevelopment and Restoration Plan through the use of Ward 15 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Old Brooklyn Community Development Corporation for the Lower Big Creek Greenway Redevelopment and Restoration Plan for the public purpose of promoting redevelopment and restoration of the Lower Big Creek Greenway to provide recreational opportunities for Cleveland residents through the use of Ward 15 Neighborhood Equity Funds.

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

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1971-04.

By Council Members Pierce Scott and Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Ashbury Community Services, Inc. for the Ashbury Senior Computer Community Center through the use of Ward 8 and 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Ashbury Community Services, Inc. for the Ashbury Senior Computer Community Center for the public purpose of providing computer training classes to City of Cleveland residents through the use of Wards 8 and 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1972-04.

By Council Member Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Hamilton School Empowerment Program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Church of Christ

Economic Development, Inc. for the Hamilton School Empowerment Program for the public purpose of providing educational classes on conflict management to City of Cleveland residents through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1973-04.

By Council Member Rybka.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with The Filter Factory, Inc. for the Filter Factory Renovation Building Project through the use of Ward 12 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with The Filter Factory, Inc. for the Filter Factory Renovation Building Project for the public purpose of providing job retention in the City of Cleveland through the use of Ward 12 Neighborhood Equity Funds.

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

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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1974-04.**By Council Member Zone.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with The Tom Evert Dance Company for the Hispanic Cultural and Arts Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with The Tom Evert Dance Company for the Hispanic Cultural and Arts Program for the public purpose of providing educational workshops on the Hispanic Mexican culture to residents in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1975-04.**By Council Member Zone.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Commission on Catholic Community Action for the Social Service Resource Inventory Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Commission on Catholic Community Action for the Social Service Resource Inventory Program for the public purpose of determining the most effective means to connect needy Cleveland residents to the various social service agencies and programs through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said

contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1976-04.**By Council Member Reed.**

An emergency ordinance to amend Section 1 of Ordinance No. 1205-04, passed June 16, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with Thea Bowman Center for providing their Mt. Pleasant Community Orchestra program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 1205-04, passed June 16, 2004 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with **St. Cecilia Catholic Church** for providing their Mt. Pleasant Community Orchestra program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 3 Neighborhood Equity Funds

Section 2. That Section 1 of 1205-04, passed June 16, 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1977-04.**By Council Member Pierce Scott.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the contract with the Garrett Square Development Corporation for the Glenville Titans Football Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to amend contract No. 63307 with the Garrett Square Development Corporation for the Glenville Titans Football Program for the public purpose of providing youth recreational activities for City of Cleveland youth through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of the amended contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1978-04.**By Council Members Brady, Reed and White.**

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1784-04, passed September 27, 2004 as it pertains to the Food Program for Needy Residents through the use of Ward 2, 3, and 19 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1784-04, passed September 27, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the **New Cleveland Food Basket Program** for the Food Program for Needy Residents through the use of Wards 2, 3 and 19 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the **New Cleveland Food Basket Program** for the Food Program for Needy Residents for the public purpose of providing food to low income Cleveland residents through the use of Wards 2, 3 and 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$35,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Title and Sections 1 and 2 of Ordinance No. 1784-04, passed September 27, 2004 are 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1979-04.

By Council Member Dolan.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the West 176th Street, LLC and/or the Kamms Shopping Plaza, LLC for the Environmental Remediation Project through the use of Ward 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 the Director of Economic Development is authorized to enter into an agreement with the West 176th Street, LLC and/or the Kamms Shopping Plaza, LLC for the Environmental Remediation Project at 17510 Lorain Avenue, Cleveland, Ohio 44111 for the public purpose of remediating a brown field site of environmental contamination in order to promote economic development in the City of Cleveland through the use of Ward 21 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1984-04.

By Council Members Gordon and O'Malley.

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 1867-04, passed October 4, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with Old Brooklyn Neighborhood Services, Inc. for providing educational programming to the City of Cleveland through the use of Wards 15 and 16 Neighborhood Equity Funds.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 1867-04, passed October 4, 2004 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into grant agreement with Old Brooklyn Neighborhood Services, Inc. for their Old Brooklyn Residential Safety & Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 15 and 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$60,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 1867-04, passed October 4, 2004 are hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1985-04.

By Council Member Coats.

An emergency ordinance authorizing the Director of City Planning Commission to enter into a grant agreement with Euclid St. Clair Development Corporation for conducting a feasibility study in order to carry out the public purpose of promoting residential development through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of City Planning Commission is authorized to enter into a grant agreement with Euclid St. Clair Development Corporation for conducting a feasibility study in order to carry

out the public purpose of promoting residential development through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$75,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1986-04.

By Council Member Coats.

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Lee Cleaners for renovations in order to carry out the public purpose of creating and retaining jobs for the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Lee Cleaners for renovations in order to carry out the public purpose of creating and retaining jobs for the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1987-04.**By Council Member Coats.**

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Smith Funeral Home for renovations in order to carry out the public purpose of job creation and retention to the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Smith Funeral Home for renovations in order to carry out the public purpose of providing job creation and retention to the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1980-04.**By Council Member Cimperman.**

An emergency resolution expressing this Council's support of St. Clair Superior Development Corporation's plan to establish a town house community at 1030 East 62nd Street.

Whereas, St. Clair Superior Development Corporation is working to demolish the current structure located at 1030 East 62nd Street in order to establish a new town house community; and

Whereas, this location was identified as a primary development site twelve years ago; and

Whereas, St. Clair Superior Development Corporation is applying for a Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative grant; and

Whereas, this grant would assist in funding Phase I and Phase II of environmental assessments; 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 expresses its support of St. Clair Superior Development Corporation's plan to establish a town house community at 1030 East 62nd Street.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Director of St. Clair Superior Development 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1981-04.**By Council Member Britt.**

An emergency resolution objecting to a New C1 Liquor Permit at 12102 Larchmere Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard, Cleveland, Ohio 44120, Permanent Number 1877625; 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 Czerny Miller Incorporated, 12102 Larchmere Boulevard, Cleveland, Ohio 44120, Permanent Number 1877625; 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. 1982-04.**By Council Member Cimperman.**

An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit at 2121 Euclid Avenue, basement and s/w corner.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from S K Shire, Inc., DBA Paninis Cleveland State, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 7645672 to Aramark Educational Services, Inc., DBA Tortilla Fresca, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 02520690015; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1 and D2 Liquor Permit from S K Shire, Inc., DBA Paninis Cleveland State, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 7645672 to Aramark Educational Services, Inc., DBA Tortilla Fresca, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 02520690015; 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

SECOND READING ORDINANCE

Ord. No. 1519-04.

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

An ordinance authorizing the transfer of the franchise for the transmission and supply of steam and water for heating, cooling, and power purposes from Dominion Cleveland Thermal, Inc. to CT Acquisitions I Inc.

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

1. In Section 2, at the Franchise Agreement, Section 1, line 4, strike "2020" and insert "2029"; and in line 8, strike "2909-87-A" and insert "1519-04-A".

2. In Section 2, at the Franchise Agreement, Section 1A, in line 3 and in line 7, strike "thirty (30)" and insert "seventy-five (75)"; and strike the last line in its entirety and insert "be deposited in the City's general fund and expended only through legislation passed by City Council."

3. In Section 2, at the Franchise Agreement, strike Section 1B in its entirety and insert:

"Section 1B. Payments.
Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended only through legislation passed by City Council:

2005	\$ 75,000
2006-2010	\$100,000 per year
2011-2015	\$125,000 per year
2016-2029	\$150,000 per year

Grantee shall discount the City of Cleveland's steam and chilled water bill monthly according to the following schedule, with a maximum discount to the City by Grantee of \$75,000 per year:

2004-2005	1% credit
2006-2010	2% credit
2011-2015	3% credit
2016-2029	4% credit".

4. In Section 2, at the Franchise Agreement, Section 4, strike lines 27, 28, 29, 30, 31, 32, 33, and 34 in their entirety and insert "the effective date of the franchise transfer. The amounts of such insurance against liability due to physical damages to property shall not be less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate; and against liability due to bodily injury or to death of persons not less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate. Grantee shall".

5. In Section 2, at the Franchise Agreement, Section 5B., line 2, strike "PUCO" and insert "Public Utilities Commission of Ohio ("PUCO");" and in Section 5C., the last line, strike "December 31, 2020" and insert "the term of the franchise"; and in Section 5D., line 4, strike "Public Utilities Commission of Ohio" and insert "PUCO".

6. In Section 2, at the Franchise Agreement, Section 6, line 3, after "consent of Council." insert "Additionally,"; strike lines 10 through and including line 21 and insert "providing adequate service as required herein. Notwithstanding the provisions of this Sections 6, the capital stock or all or substantially all of the assets and business of".

7. In Section 2, at the Franchise Agreement, Section 7, in the second to last line, between "all" and "value" insert "additional".

8. In Section 2, at the Franchise Agreement, Section 10, in lines 2, 14, and 16, strike "thirty days" in all places and insert "seventy-five (75)" in all places.

9. In Section 2, at the Franchise Agreement, Section 13, strike lines 7, 8, and 9 in their entirety and insert "a copy of an audited balance sheet and a schedule of major capital improvements annually, at the end of each full fiscal year following the transfer of the franchise, to the Clerk of Council, for filing in the Council file mentioned above

and shall provide copies of such submittals to the Director of Law of the City."

Amendments agreed to.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 417-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to develop specifications, to assess system conditions and to provide engineering design and programming services necessary to install, integrate, and implement a Supervisory Control and Data Acquisition ("SCADA") System; to provide training, technical support and maintenance; authorizing the Director to acquire one or more software licenses; determining the method of making the public improvement of procuring, constructing and installing a SCADA System; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the purchase by one or more contracts of system equipment, including but not limited to hardware, software, ancillary systems, and related equipment, supplies and services, including maintenance, for the Division of Water, Department of Public Utilities.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 486-04.

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

An emergency ordinance to amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to penalties for misdemeanors, and penalties for zoning, housing, and building code violations; and to accept the misdemeanor penalty guidelines enacted through House Bill 479 and Senate Bill 57, effective January 1, 2004.

Approved by Directors of City Planning Commission, Public Health, Building and Housing, Public Safety, Finance, Law; Passage recommended by Committees on Legislation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 857-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Criminal Justice Services Agency for the 2005 Team Approach to Violence Against Women Program - Law Enforcement; and to

enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants to implement the program.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 951-04.

By Council Member Conwell.

An emergency ordinance to amend Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, relating to the powers and duties of the Director of Building and Housing; and to enact new Section 138.08 regarding a fund using unclaimed fire insurance proceeds.

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

1. In Section 1, at amended Section 3103.01(g), line 6, strike "a fund" and insert "**Fund No. 80 SF 085**".

2. In Section 3, line 8, after "Property Rejuvenation Fund" insert "**and disbursed to the appropriate fund**".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. 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. 996-04.

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 to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor, and for emergency clean up and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 997-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of remanufactured automatic Allison transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 998-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Bell Equipment Co., Inc. for Leach packer parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 999-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Gibson Machinery, LLC for Hi-Way salt spreader and insert parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1000-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Newell Equipment Company, Inc. for Swenson and Henderson salt spreader and insert parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1258-04.

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

An emergency ordinance to amend the title, the second whereas clause, and Section 1 of Ordinance No. 2138-03, passed December 15, 2003, relating to the lease of City-owned property to Karen O'Malley Inc. dba as Harp Restaurant.

Approved by Directors of Public Utilities, City Planning Commission,

Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1272-04.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga Metropolitan Housing Authority to allow its police officers to enforce state and municipal laws beyond its own properties within prescribed places in the City.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1281-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Mildred Jeffries.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1292-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Ferris Avenue to Mildred Johnson.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1304-04.

By Council Member Westbrook.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 11623 Lake Avenue and 1227 West 116th Street to Marous Brothers Construction, Inc.; and authorizing the Directors of Economic Development and Parks, Recreation and Properties to enter into an Option to Purchase Agreement with Marous Brothers Construction, Inc. for the redevelopment.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Property and Recreation, City Planning, Passage recommended by Com-

mittees on Community and Economic Development, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1466-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Calcon Inc. for professional services necessary to provide maintenance, repair, and replacement of existing security systems, for the Division of Water, Department of Public Utilities, for a two-year period.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1470-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Simplex Grinnell LP for professional services necessary to provide maintenance, repair, and replacement of fire alarms and detection systems, for the Division of Water, Department of Public Utilities, for a three-year period.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1472-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to install and operate an emergency dispatch customer-based telephone communication system, for the Division of Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1474-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a two-year period.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1479-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to West 9th Properties LLC, an affiliate of Marous Development, to encroach into the public right-of-way of 1240 West 9th Street to construct, install, use, and maintain a building foundation, a marquee over the main entrance, various decorative architectural elements, and upper floor balconies, for the District Park Condominium project at the location(s).

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1481-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle and boat rehabilitation for the various divisions of City government.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1483-04.

By Council Member Zone (by request).

An emergency ordinance to vacate a portion of Aspen Court, N.W.

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.

Ord. No. 1488-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms for the 2004 Gang Resistance Education and Training Program.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1493-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Kolbus America, Inc. to provide economic development assistance to partially finance the acquisition of personal property, leasehold improvements to the property located at 812 Huron Road, and to assist with architectural, engineering and consulting fees, and costs associated with relocating their business to Cleveland, and all other associated costs to redevelop the property.

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

1. In Section 3, lines 2 and 3, strike "Nos. 17 SF 008 and 12 SF 954" and insert "**10 SF 540**".

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. 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. 1512-04.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Tennyson Road and East 89th Street to Blessed Hope Missionary Baptist Church.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1515-04.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Corsica Avenue to Northeast Shores Development Corporation.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1517-04.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fenwick Avenue to Stockyard Redevelopment Organization.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage

recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1518-04.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 48th Street to MGK Properties Ltd.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1660-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend Section 178.02 of the Codified Ordinances of Cleveland, Ohio, as amended by Ordinance No. 2353-93, passed February 14, 1994, relating to the disposition of public monies.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 1458-04.

By Council Member Cimperman (by request).

An emergency resolution declaring the intention to vacate a portion of Diemer Court N.E.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1484-04.

By Council Member Polensek (by request).

An emergency resolution declaring the intention to vacate a portion of East 156th Place N.E.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1485-04.

By Council Member Zone (by request).

An emergency resolution declaring the intention to vacate a portion of Side Avenue N.W. (width varies).

Approved by Directors of Public Service, City Planning Commission,

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

LAID ON THE TABLE

Ord. No. 1172-04.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1068-98, passed August 19, 1998, as amended by Ordinance No. 1565-02, passed August 14, 2002; and authorizing the Director of Public Utilities to enter into an amendment to Contract No. 57313 with Deloitte Consulting to add additional professional services to implement information management systems for the Department of Public Utilities.

Without objection, Ordinance No. 1172-04 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 17. Nays 0. Ordinance No. 1172-04 Laid on the table.

MOTION

By Council Member Reed, seconded by Council Member Cimperman and unanimously carried that the absence of Council Members Patricia J. Britt, Joseph T. Jones, Fannie M. Lewis and Edward W. Rybka, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:54 p.m. to meet on Monday, October 18, 2004 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the October 25, 2004 council meeting:

ORDINANCE

Ord. No. 1519-04.

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

An ordinance authorizing the transfer of the franchise for the transmission and supply of steam and water for heating, cooling, and power purposes from Dominion Cleveland Thermal, Inc. to CT Acquisitions I Inc.

Whereas, the Charter of the City of Cleveland authorizes this Council by ordinance to grant a non-exclusive franchise to any person, firm,

or corporation to construct, install, maintain, and operate a utility in, under, over, along, across, and upon any of the streets and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 2909-87, passed December 21, 1987, this Council granted Cleveland Thermal Energy Corporation, an Ohio Corporation and wholly-owned subsidiary of Catalyst Thermal Energy Corporation ("Catalyst"), a non-exclusive franchise to construct, install, maintain, and operate a system for the transmission and supply of steam and hot water in, under, over, along, across, and upon certain of the streets, public rights of way, and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 1595-89, passed June 19, 1989, this Council amended the franchise agreement authorized by Ordinance No. 2909-87, passed December 21, 1987, to authorize the supplying of chilled water in addition to steam and hot water; and

Whereas, under Ordinance No. 1490-91, passed July 24, 1991, this Council approved the transfer of Cleveland Thermal Energy Corporation, and control of the franchise, from Catalyst, which was then known as United Thermal Corporation, to Mid-America Energy Resources, Inc., a wholly-owned subsidiary of IPALCO Enterprises, Inc. ("Mid-America"); and

Whereas, under Ordinance No. 2121-00, passed March 12, 2001, this Council authorized the transfer of the franchise from Mid-America to Dominion Cleveland Thermal, LLC, and its operating affiliates: Dominion Cleveland Thermal Generation, LLC, Dominion Cleveland Thermal Steam Distribution, LLC, and Dominion Cleveland Thermal Chilled Water Distribution, LLC (collectively, "Dominion Cleveland Thermal, Inc."); and

Whereas, Dominion Energy, Inc., the parent corporation of Dominion Cleveland Thermal, Inc., has entered into an agreement with CT Acquisitions I Inc., an Ohio corporation ("CT Acquisitions") to sell all the outstanding stock of Dominion Cleveland Thermal, Inc. to CT Acquisitions; and

Whereas, CT Acquisitions was formed by Ancora Management LLC, the investment manager of Charon Capital LLC, a private institutional investment company, for the purpose of acquiring the stock of Dominion Cleveland Thermal, Inc.; and

Whereas, upon the consummation of the stock purchase, CT Acquisitions will become the owner of the companies now comprising Dominion Cleveland Thermal, Inc.; and

Whereas, the stock sale and transfer of assets is a transfer of the franchise requiring the approval of this Council; and

Whereas, the Charter of the City of Cleveland and the terms of the franchise agreement allow this Council to authorize by ordinance an amendment and transfer of the franchise; and

Whereas, Dominion Cleveland Thermal, Inc. and Dominion Energy, Inc., as seller, and CT Acquisitions, as buyer, have requested this Coun-

cil to approve the stock sale and transfer of assets described above; now, therefore,

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

Section 1. That under Chapter 35 of the Charter of the City of Cleveland and Section 6 of the franchise granted by Ordinance No. 2909-87, passed December 21, 1987, as amended by Ordinance No. 1595-89, passed June 19, 1989, Ordinance No. 1490-91, passed July 24, 1991, and Ordinance No. 2121-00, passed March 12, 2001 (collectively, the "Franchise Ordinances"), this Council approves the stock sale described above and the transfer of the franchise and the Steam System, as described in this ordinance, from Dominion Cleveland Thermal, Inc. to CT Acquisitions I Inc.

Section 2. That the franchise agreement granted to Dominion Cleveland Thermal, Inc. by the Franchise Ordinances described in Section 1 is amended, and the entirety of the franchise agreement as contained in the Franchise Ordinances as amended by this ordinance is as follows:

Section 1. Grant of Franchise.

Under the Charter of the City of Cleveland ("City"), and subject to the terms and conditions set forth in this franchise, CT Acquisitions I Inc. ("Grantee"), is granted a non-exclusive franchise, until December 31, 2029, unless sooner terminated as provided in this franchise, to construct, install, maintain and operate a system for the transmission and supplying of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 1519-04-A and incorporated by reference and as expanded or extended within the boundaries of the City (the "Service Area") in, under, over, along, across and upon the streets and public grounds (including but not limited to the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the full and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits for steam and water lines, together with the right to maintain such pipes and conduits, for the purpose of transmitting steam and water for heating, cooling and power purposes ("Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary or appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each customer, except where otherwise defined by agreement between Grantee and a particular customer. The grant of this franchise does not establish priority or lack of priority

for use of the streets and public grounds to Grantee over other present or future permit holders or franchises, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth in this franchise, and shall be subject to all of the conditions of this franchise.

Section 1A. Transfer Fee.

Grantee shall pay to the City fifty thousand dollars (\$50,000.00) no later than **seventy-five (75)** days after the effective date of this ordinance. Failure to pay this amount in full by the date specified shall cause Grantee to be deemed to have rejected this franchise, and the rights and privileges granted shall cease and terminate, unless such period is extended by Council by ordinance passed for that purpose and before the expiration of the period of **seventy-five (75)** days. This amount, together with any payments or contributions made by Dominion Cleveland Thermal, Inc. and not yet expended, shall be **deposited in the City's general fund and expended only through legislation passed by City Council.**

Section 1B. Payments.

Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended only through legislation passed by City Council:

2005	\$ 75,000
2006-2010	\$100,000 per year
2011-2015	\$125,000 per year
2016-2029	\$150,000 per year

Grantee shall discount the City of Cleveland's steam and chilled water bill monthly according to the following schedule, with a maximum discount to the City by Grantee of \$75,000 per year:

2004-2005	1% credit
2006-2010	2% credit
2011-2015	3% credit
2016-2029	4% credit

Section 2. Work on the Streets and Public Grounds.

The Grantee, in the construction, installation, maintenance, or operation of the Steam System, shall not endanger or unnecessarily interfere with the lives of persons, shall not unnecessarily interfere with any installations of the City or any public utility or other person serving the City or using the streets and public grounds of the City, and shall not unnecessarily interrupt or obstruct the use of any streets and public grounds and, in connection with any work, shall obtain any permits and approvals required by the regulations and ordinances of the City. Prior to performing any work which would affect or alter the City's water mains, sewage or drainage system or any other property of the City, Grantee shall provide written notice to the appropriate affected City agency or office. When any streets and public grounds are entered upon by the Grantee, or facilities removed by the Grantee, the Grantee shall at its cost restore the same to their original condition. Grantee shall clear all streets and public grounds of obstructions or anything that might

constitute a nuisance or prevent such streets and public grounds from being open and in repair, if such obstruction or nuisance was caused by the Grantee or related to the operation of the Steam System. If the Grantee fails to complete such work within a reasonable period of time, the appropriate officer of the City may, in writing, notify the Grantee that the City will complete such work if not completed by the Grantee as soon as practicable as determined by the City after receipt of notice by Grantee. Any work not completed as determined by the City's officer may be completed by the City and the actual out-of-pocket cost of such work shall be charged to the Grantee. Upon the doing of such work, the City shall furnish the Grantee with itemized bills of the actual out-of-pocket cost of the work, and Grantee shall pay the bills within thirty (30) days after its receipt.

Section 3. Applicable Regulations.

The Grantee shall at all times be subject to the regulations imposed by the laws of the United States of America, the laws of the State of Ohio and the Charter and ordinances of the City as may exist at the effective date of this franchise or later be adopted, including the continuing right of the Council to require such reconstruction, relocation, repair, change or discontinuance of the appliances used by the Steam System in the streets and public grounds of the Service Area, all at the cost of the Grantee, as shall, in the opinion of the Council, be necessary in the public interest. The Council shall at all times control the distribution of space in, under, over, along, across or upon all streets and public grounds occupied by fixtures of the Steam System. In the construction, installation, maintenance or repair of its properties, the Grantee shall comply with all laws and regulations existing at the effective date of this franchise or that may thereafter be made by the City applicable to the Grantee and the Grantee shall be liable for damages caused by its failure or neglect to comply with such laws and regulations and shall save the City harmless from any and all claims for damages by reason of such failure or neglect.

Section 4. Indemnification and Insurance.

The Grantee shall fully indemnify and save harmless the City and its respective officers, agents and employees from and against all damages, judgments, decrees, costs, and expenses for bodily injury or death to persons, including employees of the City and other persons, for losses and physical damages to property of the City or other persons, and for debts incurred or taxes owed by Grantee or its agents, employees or contractors, caused by or as a result of the construction, installation, maintenance and operation of, or the failure to properly construct, install, maintain and operate, the Steam System by the Grantee. The Grantee shall carry insurance to cover and protect itself and the City as an additional insured from and against all claims, demands, actions, judgments, costs,

expenses, and liabilities which may arise or result, directly or indirectly, from or by reason of loss, injury or damage to the City, its property or employees, or to other persons or their property, which may arise from the operations of Grantee or its Steam System. Grantee's insurance company shall, at its own expense, defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. The City shall duly notify the insurance company of any claims and shall deal directly with such insurance carrier to seek defense by such insurance company; provided, however, the City shall not be required to institute legal proceedings against such insurance company if the insurance company fails to defend. In the event Grantee's insurance company fails to defend the City, then Grantee, at its own expense, shall defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. Copies of the Grantee's currently effective insurance policy and its currently effective certificate of insurance showing the City as an additional insured shall be maintained on file with the Clerk of Council of the City in the above mentioned file, with a copy provided to the Director of Law of the City, beginning with the effective date of the franchise transfer. **The amounts of such insurance against liability due to physical damages to property shall not be less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate; and against liability due to bodily injury or to death of persons not less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate. Grantee shall not reduce, cancel, or fail to promptly replace the insurance described herein, and should the insurer cancel such insurance the Grantee shall immediately notify the City. The City shall notify the Grantee and its insurance carrier in writing, within fifteen (15) business days after the presentation of any claim or demand, either by suit or otherwise, made against the City, or not less than five (5) business days prior to the date upon which an answer to such legal action is due, when the City determined that the suit, claim or demand may involve the Grantee or the operation of the Steam System.**

Section 5. Operation, Service and Rates of the Steam System.

A. Service Connections and Delivery of Steam Service. Grantee shall, so far as the capacity of its plant will allow, deliver steam or water to any person or entity requesting Steam Service who complies with its reasonable regulations and whose property abuts upon its service lines ("Customer"). At the point of delivery, the steam will be dry and saturated in accordance with the steam table established by American Society of Mechanical Engineers ("ASME"). The Grantee shall be responsible to maintain, at its expense, all mains and lines up to the property line of the Customer's facility, except where otherwise set

forth in an agreement between Grantee and a particular Customer, and shall keep such lines in sound operating condition and free of undue leakage.

B. Abandonment of Services. In the event Grantee makes an application to the **Public Utilities Commission of Ohio ("PUCO")**, to abandon service to any part or all of its Service Area, Grantee shall send a copy of any such application to each of its then existing customers.

C. Existing Rates. All valid contracts or agreements establishing rates, charges or billing arrangements between Customers and Grantee (including but not limited to agreements combining billings for one or more premises owned or operated by a Customer) in effect as of the effective date of this ordinance, shall remain in effect until the expiration of the contract or agreement as set forth in such contract or agreement (or as may have been extended by PUCO order), except as may be allowed or required by any Court or arbitration panel, or as agreed by Customer and Grantee. All tariff and contract rates for Steam Service in effect as of the effective date of this ordinance, shall, except for fuel adjustment clause increases and authorized by the PUCO or in accordance with Ohio law, remain in effect through **the term of the franchise.**

D. Rates and Charges. If the Grantee and any Customer cannot agree on a contract which sets rates for Steam Service to that Customer, the rates and charges for Steam Service rendered by Grantee for such Customer or Customers shall be set by the **PUCO**, by Council, or as otherwise may be provided by law. During the term of this franchise, Grantee shall, upon the request of the City or Council, provide such data and information as the City reasonably requires to review the rates, charges, terms and conditions of Steam Service provided by Grantee. Nothing contained in the subparagraph shall be deemed a waiver of the Grantee to appeal to or seek review of PUCO in connection with any rates.

E. Contract Rates. Grantee may enter into contracts for the provision of Steam Service to one or more of its Customers provided that the contracts are entered into under the requirements of the Revised Code or filed with the PUCO under the terms of Section 4905.31 of the Revised Code and provided that copies of all contracts for Steam Service are provided to the Clerk of Council of the City to be maintained in the Council file mentioned above, with copies provided to the Director of Law of the City.

F. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its Customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in

the Steam System. Grantee shall also promptly repair any pavement, tree lawn, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the Customer if it is determined that the repairs were the responsibility of the Customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the particular property or the responsibility to ensure the health, safety or welfare of the public in the particular situation to make any such repairs or improvements.

G. Minority Business Enterprise Participation and Affirmative Action. Grantee shall use its best efforts to meet the goals of the City in effect on the effective date of this ordinance with respect to minority enterprise participation and female business enterprise participation, i.e., thirty percent (30%) and ten percent (10%), respectively, in Grantee's proposed construction for the improvement and expansion of the Steam System; provided, that in evaluating Grantee's efforts to meet such goals, the City shall give consideration to the availability of certain specialty items of equipment for the Steam System that are not readily available from minority and female vendors.

Grantee shall adhere to the standards set forth in division (a) of Section 187.04 of the Codified Ordinances of the City, as presently in effect with respect to nondiscrimination in employment, and shall use its best efforts to improve the percentage of minority and female employment in the various occupations involved in the performance of the Grantee's business.

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council. **Additionally**, grantee shall not, without consent of Council, either directly or indirectly consolidate, merge or in any other way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may in the future operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating,

cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue **providing adequate service as required herein. Notwithstanding the provisions of this Sections 6, the capital stock or all or substantially all of the assets and business of** Grantee may, without the prior approval of Council, be (i) transferred to any corporation or other entity which is affiliated with Grantee or Ancora Management LLC or (ii) consolidated or merged with, or the control of Grantee's management may be transferred to, any corporation or other entity which is affiliated with Grantee or Ancora Management LLC. For purposes of this section the term "affiliate" shall mean any person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 7. Right of Purchase by the City.

Under Section 183 of the Charter of the City of Cleveland, there is reserved to the City the right to terminate this franchise and to purchase all of the property of the Grantee in the streets and highways in the City and elsewhere used in or useful for the operation of the utility at a price to be fixed in the manner provided in the following sentence. If the City and Grantee cannot agree on the price to be paid by the City for such property, the value shall be determined by three appraisers, one each selected by the City and Grantee, and the other selected by the two appraisers appointed. If the three appraisers cannot agree upon a value for such property, the average of the three separate appraisals of the appraisers shall be the value of such property. The standard to be used by the appraisers shall be the fair market value of such property as a going concern. Further, to the extent provided in Section 184 of the Charter of the City, the price to be paid by the City for the property that may be acquired by the City from the Grantee, by purchase, condemnation, or otherwise, shall exclude all **additional** value of the grant or renewal of this franchise.

Section 8. Renewal of Franchise.

Council may, by ordinance, renew the franchise at the expiration of this franchise upon terms conducive to the public interest.

Section 9. Non-Exclusivity of Franchise.

No rights herein granted to the Grantee to construct, maintain, install or operate the Steam System shall be construed as exclusive or as preventing the City from granting a franchise or privilege to any other person, firm or corporation.

Section 10. Acceptance of Franchise.

After the effective date of this ordinance and within **seventy-five (75)** after such date, this ordinance shall be accepted by the Grantee by, (a) both its filing with the Clerk of Council an unconditional written acceptance hereof, and (b) an affidavit of an officer of Grantee with supporting documentation evidencing that Dominion Cleveland Thermal, Inc. has transferred to CT Acquisitions I Inc. the franchise and the Steam System and all material

rights, title, and interests necessary for the operation of the system to CT Acquisitions I Inc. and that Grantee has obtained PUCO approval for the transfer, which shall be included in File No. **1519-04-A**. The franchise granted to Dominion Cleveland Thermal, Inc. shall terminate upon such acceptance by the Grantee. A failure of the Grantee to accept this ordinance in the manner described above within such period of time shall be deemed a rejection of the franchise by the Grantee, and the rights and privileges granted shall, after the expiration of the period of **seventy-five (75)**, if not so accepted, absolutely cease and terminate, unless the period of time is extended by Council by ordinance passed for that purpose and before the expiration of the period of **seventy-five (75)**.

Section 11. Permits.

The Director of Public Service and other appropriate City officials are hereby authorized to issue such permits to the Grantee and any of its construction contractors or subcontractors for construction, installation and operation of the Steam System as may be required by law without further action of the Council. Permits shall be issued upon Grantee's compliance with the applicable procedures for obtaining permits and in accordance with the requirements of law. Grantee shall comply with all existing City and State air pollution permits to operate which are applicable to the Steam System.

Section 12. PUCO.

Grantee shall provide to the City's Director of Law timely copies of all notices, filings, applications and all other documents submitted to the PUCO concerning or affecting the Steam System, including copies received by Grantee of any complaints or correspondence submitted to the PUCO concerning the Grantee or Steam System, but not including such documents which solely relate to any other Steam System. Grantee shall not object to or contest the right of the City to intervene in any proceeding initiated by Grantee, the PUCO or a third party concerning Grantee or the Steam System.

Section 13. Notices and Reports.

Grantee shall provide notice to a designated representative of each customer of any work by Grantee on the Steam System, or of any change in its operation, which could materially and adversely affect service to such Customer. Grantee shall also respond to any reasonable requests of a Customer for information, including available Steam System efficiency measurements and studies. In addition, Grantee shall provide **a copy of an audited balance sheet and a schedule of major capital improvements annually, at the end of each full fiscal year following the transfer of the franchise, to the Clerk of Council, for filing in the Council file mentioned above and shall provide copies of such submittals to the Director of Law of the City.**

Section 14. Revocation and Amendment.

The Council hereby reserves the right at any time to repeal for cause or to properly amend this ordinance or to revoke for cause the privileges granted in whole or in part.

Section 15. Default.

Grantee shall be in default of its franchise if Council finds, after providing notice and an opportunity to be heard, that Grantee has abandoned or discontinued Steam Service or has materially failed to comply with the terms of this franchise.

Upon Council determination of default by Grantee, the City may, at its option, exercise, concurrently or successively, any one or more of the following rights and remedies: to seek a court order to enjoin any abandonment or discontinuance of Steam Service or any failure to comply with the terms of this franchise; to bring suit or complaint at the PUCO or elsewhere for the performance of Grantee's obligation to provide Steam Service and to comply with the terms of this franchise; to terminate the franchise; or in the event of an actual or effective abandonment or discontinuance of Steam Service, to seek Court appointment of a receiver to continue operation of the Steam System until the Steam System can be sold or transferred to an entity approved by the City and Council. These rights and remedies are in addition to any other rights and remedies permitted to the City by the terms of this franchise or by law.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

BOARD OF CONTROL

October 6, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 6, 2004, at 10:35 a.m. with Mayor Campbell presiding.

Present: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Absent: None.

Others: Myrna Branche, 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. 565-04.

By Director Baker.

Whereas, pursuant to the authority of Ordinance No. 1841-02, passed by the Council of the City of Cleveland on September 23, 2002, and Ordinance No. 360-03, passed by the Council of the City of Cleveland on March 24, 2003 and Resolution No. 78-03 adopted by this Board of Control on February 5, 2003, amended by Resolution No. 250-03, adopted by the Board on April 30, 2003, and further amended by Resolution No. 430-03, adopted by the Board on July 23, 2003, the City through its Director of Finance entered into Contract No. 61781 with Cost Control Associates, Inc. ("Consultant"), for the purpose of supplementing the regularly employed staff of the several departments of the City in order to pro-

vide professional services necessary to identify credits and refunds due the City of Cleveland from errors relating to utility billings, and to provide an analysis with cost-reduction recommendations for consideration by the City; and

Whereas, such professional services to be provided under Contract No. 61781 are to be performed on a contingency fee basis according to the terms of the Consultants Fee Proposal executed February 6, 2003 and attached to Contract No. 61781 as Exhibit B; and

Whereas, the City, through its Director of Finance, desires to amend the scope of services of Contract No. 61781 to include additional services by Consultant for reducing on-going costs of eight (8) electric accounts with Cleveland Electric Illuminating Company; and

Whereas, the Consultant has proposed by its August 31, 2004 Proposal to perform the additional services required; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Finance is authorized to enter into a first amendment to Contract No. 61781 with Cost Control Associates, Inc., based on its August 31, 2004 proposal, for additional services for reducing on-going costs of eight (8) electric accounts with Cleveland Electric Illuminating Company. Said amendment shall provide that an amount not to exceed the appropriate percent of actual cost savings as calculated according to the Consultant's Fee Proposal executed February 6, 2003 shall be paid to the Consultant by requisition subsequent to recovery of savings by the City. The amendment shall be prepared by the Director of Law and shall include such additional provisions, as said Director deems necessary to benefit and protect the public interest.

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: None.

Resolution No. 566-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Priority Dispatch, Inc., for an estimated quantity of messenger services, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 6, 2004, under the authority of Ordinance No. 909-04, passed June 7, 2004, which on the basis of the estimated quantity would amount to Thirty Seven Thousand Four Hundred Ninety-Five and 88/100 Dollars (\$37,495.88) (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. 117692 which shall be certified against such contract in the sum of Two Thousand Two Hundred Fifty and 00/100 Dollars (\$2,250.00).

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: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: None.

Resolution No. 567-04.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 26, 2004, for the estimated quantity of miscellaneous electric test equipment, training and repair of test equipment, for-the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 247-04, passed by the Council of the City of Cleveland on May 3, 2004, be and the same are hereby rejected.

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: None.

Resolution No. 568-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cargill Incorporated - Deicing Technology for an estimated quantity of Liquid Deicer, item No. 1, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the execution of this contract, received on July 28, 2004, pursuant to the authority of Ordinance No. 769-04, passed May 17, 2004, which on the basis of the estimated quantity would amount to Seven Thousand Eight Hundred and 00/100 Dollars (\$7,800.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service 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. 139585 which shall be certified against such contract in the sum of Seven Thousand Eight Hundred and 00/100 Dollars (\$7,800.00).

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

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: None.

Resolution No. 569-04.

By Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of YardMaster Inc. for an estimated quantity of snowplowing and salting at all City of Cleveland Health Centers, for the Division of Health, Department of Public Health, for the period of two (2) years seasonal time period (November-April of both years), received on the 2nd day of September, 2004, pursuant to the authority of Ordinance No. 419-04, passed April 26, 2004, which on the basis of the estimated quantity would amount to Twenty Nine Thousand, Seven Hundred Ninety and 00/100 (\$29,790.00) Dollars, for a two (2) year seasonal time period (November-April), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 133152 Snow and ice removal for the City of Cleveland Health Centers, which shall be certified against such contract in the sum of Twenty Nine Thousand, Seven Hundred Ninety and 00/100 (\$29,790.00) Dollars.

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

Be it further resolved that the employment of the following subcontractor by Yardmaster for the contract approved above is approved:

Thomas Bros. Landscaping
(MBE) — \$6,820 — 45.79%

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: None.

Resolution No. 570-04.

By Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Danielle's Services, Inc. dba Critter Control of Cleveland, for an estimated quantity of nuisance animal trapping, for the Division of Environment, Department of Public Health, for a period of one (1) year beginning with the date of execution of a contract, received on the 26th day of August 2004, pursuant to the authority of Ordinance No. 937-04, passed June 7, 2004, which on the basis of the estimated quantity would amount to Sixty Thousand and 00/100 (\$60,000) Dollars, (1%, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 138705

Nuisance Animal Trapping which shall be certified against such contract in the sum of Twenty Thousand and 00/100 (\$20,000) Dollars.

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

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: None.

Resolution No. 571-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Artistic Systems, Inc. for the public improvement of Clark Field Dog Park Site Improvements, for Base Bid Items # 1 - #17, #19 - #22, #25 - #26 and including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 14, 2004, pursuant to the authority of Ordinance No. 2151-03, passed on December 15, 2003, upon a unit basis for the improvement in the aggregate amount of Sixty Nine Thousand Eight Hundred Seventy Seven and 50/100 Dollars (\$69,877.50), 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 Artistic Systems, Inc. for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Thompson Ground Development	\$17,000.00	24.33%

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: None.

Resolution No. 572-04.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on October 4, 2004 for the purchase of Group VI High Volume Photocopiers, under the authority of Ordinance No. 1682-03, passed by the Council of the City of Cleveland on September 22, 2003, are rejected.

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: None.

Resolution No. 573-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company for the public improvement of R. J. Taylor Park Site Improvements, for Base Bid Items A1, A3, A6 - A14, A16, A18, A20 - A23, A25 - A27, A29, A31 - A44, A46, A47, A49, A50, A52 - A60, A62 - A69, A71, A72, A75 - A78, A80, A82 - A90, Alternate Items 2A, 4A and Add Alternate Item AA2A including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 28, 2004, 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 Four Hundred Seventy Eight Thousand Three Hundred Four and 72/100 Dollars (\$478,304.72), 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 R. DiLillo & Company for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Childsafe	\$60,000.00	12.54%
Cook Paving	\$53,000.00	11.08%
Carrick's Landscaping	\$20,000.00	4.18%
Great Northern Fence	\$15,000.00	3.17%
McTech, Inc. (MBE)	\$11,800.00	2.47%
Site Electric	\$ 7,800.00	1.63%
Great Northern Fence	\$15,000.00	3.17%

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: None.

Resolution No. 574-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting, Ltd., for the public improvement of Humphrey Park Site Improvements, for Base Bid Items B1, B4-B11, B13, B15, B18, B20 - B42, B44, B45 and Add Alternate Items AA3B and AA10B including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 28, 2004, 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 Fifteen Thousand One Hundred Ninety Five and 88/100 Dollars (\$315,195.88), 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, Ltd. for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Service Asphalt	\$53,026.00	16.82%
Carrick's Landscaping	\$ 1,963.00	0.61%
Granger Trucking (MBE)	\$ 3,000.00	0.95%
Collinwood Shale & Brick (FBE)	\$ 4,500.00	1.43%
Great Northern Fence	\$22,036.00	6.99%

Yeas: Acting Directors Horvath, Dumas, McGuirk, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 25, 2004

9:30 A.M.

Calendar No. 04-226: 11507 Miles Avenue (Ward 2)

New Joshua Baptist Church c/o Pastor Walter Humphrey, owner, appeal to change from a store and storage to a restaurant the use of a 26' x 156' two-story brick building, situated on a 40' x 163' lot in a Two-Family District on the north side of Miles Avenue at 11507 Miles Avenue; subject to the limitations of Section 337.03 for Residential Districts, a restaurant is not permitted in a Two-Family District but first permitted under Section 343.01 in a Local Retail Business District; and contrary to Section 349.04(f), no parking spaces are proposed and 20 spaces are required; and the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-227: 2225 West 38th Street (Ward 14)

Frank Torres, owner, and Greenwood Builders, agent, appeal to erect a 16' x 12' open wooden porch with a roof at the front of a two and a half story, one family dwelling, situated on a 38' x 106' lot in a Two-Family District on the north side of West 38th Street at 2225 West 38th Street; contrary to the Requirements for Yards and Courts, a 6' distance is proposed from the Siam Avenue street line and open porches shall not extend within 10' of the street line as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 04-228: 3789 Ridge Road (Ward 16)

Mike Weiss, d.b.a. A & C Auto, owner, appeals to change from storage to an auto wrecking yard the use of a one-story building, situated on a 195' x 609' lot in a Semi-Industry District on the east side of Ridge Road at 3789 Ridge Road; subject to the limitations of Section 345.03, an auto wrecking yard is not permitted in a Semi-Industry District but first permitted in a General Industry District under Section 345.04; and contrary to the Requirements for Yards and Courts, a 10' setback is proposed instead of the 15' specific setback along Ridge Road established by the Zoning Map and as stated in Section 357.07(a) of the Codified Ordinances.

Calendar No. 04-229: 3805 Ridge Road (Ward 16)

Mike Weiss, d.b.a. A & C Auto, owner, appeals to change from a machine shop to an office and storage, accessory to a wrecking yard, the use of an existing 18,500 s/f one-story building and an existing 2,400 s/f one-story building, both situated on a 90' x 590' lot in a Semi-Industry District on the east side of Ridge Road at 3805 Ridge Road; contrary to Section 357.07(a)

in the Requirements for Yards and Courts a 5' setback is proposed instead of the established 15' specific setback along Ridge Road; and contrary to Section 349.07(c)(3), a 60' driveway width is proposed, where a maximum driveway width of 30' is permitted; and no landscaping strip is proposed, where a 6' wide landscape strip is required between the parking lot and Ridge Road as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 04-230: 3819 Ridge Road (Ward 16)

Mike Weiss, d.b.a. A & C Auto, owner, appeals to change from manufacturing to an office and storage, accessory to a wrecking yard, the use of an existing 6,500 s/f one-story building, situated on a 61' x 300' lot in a Semi-Industry District on the east side of Ridge Road at 3819 Ridge Road; contrary to Section 357.07(a) in the Requirements for Yards and Courts, a 5' setback is proposed instead of the established 15' specific setback along Ridge Road; and contrary to Section 349.07(c)(3), a 60' driveway width is proposed, where a maximum driveway width of 30' is permitted; and no landscaping strip is proposed, where a 6' wide landscape strip is required between the parking lot and Ridge Road, as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 04-234: 3267 West 82nd Street (Ward 17)

Irma Mitchell, owner, appeals to establish a Type A day care in an existing 24' x 26' two-story, one family dwelling, situated on a 41' x 128' corner lot in an A1 One-Family District on the southeast side of West 82nd Street and Neville Avenue at 3267 West 82nd Street; the proposed day care is subject to the limitations of the Residential District Regulations, where a day care and its uses may not be located less than 30' from an adjoining premises in a Residence District not used for a similar purpose and requires the Board of zoning Appeals approval as stated in Sections 337.02(f)(3)(C) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 11, 2004

At the meeting of the Board of Zoning Appeals on Monday, October 11, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-215: 720 East 152nd Street

Brett Greer appealed to install a 6' high chain link fence along the front and side street yard of a corner lot in a General Retail Business District; subject to conditions.

Calendar No. 04-216: 15020 Cardinal Avenue

Brett Greer appealed to install a 6' high chain link fence along the front of a vacant lot in a General Retail Business District; subject to conditions.

Calendar No. 04-218: 3549 East 118th Street

Dessie Stevens appealed to enclose a 20' x 7'-6" front porch of a one family dwelling in a Two-Family District; subject to revised plan.

Calendar No. 04-232: 11113 Fidelity Avenue

Cheryl Lusardo appealed to erect a 23' x 20' wooden deck to the rear of a one family dwelling in a Two-Family District.

Calendar No. 04-236: 4400 South Meadow Lane

Bill Graham, a neighboring property owner, appealed from the decision of the Director of Building and Housing to issue a permit to erect a one family residence with an attached garage at 4400 South Meadow Lane.

The following appeals were **Denied:**

None.

The following appeals were **Postponed:**

Calendar No. 04-193: 2487 West 25th Street postponed to November 8, 2004.

Calendar No. 04-219: Little Rascals Day Care, 11920 Buckeye Road postponed to November 8, 2004.

In Executive Session on October 11, 2004, the following appeals heard by the Board on October 4, 2004 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 04-217: 3193 West 52nd Street

Ijaz Qureshi appealed to install 90 l/f of 4' high chain link fence in the front yard of dwelling house in a Two-Family District.

The following appeals were **Denied:**

Calendar No. 04-140: Appeal of Mahad Mohamed Hack License Revocation

With a Motion for Reconsideration granted, Mahad Mohamed appealed from the revocation of a City of Cleveland Hack License issued by the Commissioner of Assessments and Licenses.

Calendar No. 04-160: Appeal of North Coast Payphones ClevePhones, Inc.

North Coast Payphones/ClevePhones, Inc. appealed from an order to remove outdoor payphones from five sites identified by the Commissioner of Assessments and Licenses.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 6, 2004

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-9-04.

RE: Appeal of Day Electric Company Inc. C/O Ralph L. Day, Contractor Property located on the premises known as 5900 Riverside Drive from an ADJUDICATION ORDER — PERMIT FEES of the Commissioner of the Department of Building and Housing, dated January 22, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that having reviewed the scope of construction, the Appellants detailed bid estimate, and the notice to bidders as well as testimony by both the Appellant and the City, a motion is in order at this time to find that the fee requested by the City poses unnecessary hardship to the appellant and does not represent the review and inspection efforts required by the City; the fee to be levied is to be a total of \$2,170.36, based on \$15.00 per \$1,000 for the \$120,691 of general construction work and \$360 based on current electrical permit fees, and that based upon testimony by the City, the Appellant may obtain a general construction permit without being a registered general contractor for this project in this instance only. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley. Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-54-04.

RE: Appeal of Raymond Perry, Owner of the Two Story Frame Mixed Use Property located on the premises known as 1210 East 79th Street from a 7 DAY VACATE ORDER of the Director of the Department of Building and Housing, dated May 24, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for October 20, 2004.

* * *

Docket A-69-04.

RE: Appeal of Tomie Smith, Owner of the One & One-half Story Commercial Masonry Property located on the premises known as 8203 Carnegie Avenue (a.k.a. 8203-10 Carnegie Avenue) from a 72 HOUR EMERGENCY CONDEMNATION ORDER — MS of the Commissioner of the Department of Building and Housing, dated July 7, 2004, 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 require the plans be submitted immediately to the Department of Building and Housing, and to grant the Appellant two (2) weeks in which to clean up the debris off the property and three (3) months in which to obtain permits and elect contractors and begin abatement of the violations; and to grant the Appellant three (3) additional months in which to abate all the violations on the property; the property is to be maintained, boarded and secured and the grounds debris free during the periods of un-occupancy; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-82-04.

RE: Appeal of Tenille Robertson, Owner of the Four Dwelling units/Two Story Masonry Property located on the premises known as 660 East 99th Street from a 30 DAY VACATE ORDER/EXTERIOR MAINTENANCE / 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated July 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket is rescheduled for October 20, 2004.

* * *

Docket A-88-04.

RE: Appeal of Joseph S. Quirino, Owner of the One Story Masonry Property located on the premises known as 12325 Lorain Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, of the Director of the Department of Building and Housing, dated July 30, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the Appellant to solve the problem as proposed with a damage process, the details are to be submitted to the City Building Department; and to require that a permit be obtained to allow inspection of the property at a later date; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the proposed solution will be installed by the Appellant. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-89-04.

RE: Appeal of Pak Sun Lui, Owner of the Residential Property located on the premises known as 1537 East 31st Street from a NOTICE OF NONCONFORMANCE of the

Director of the Department of Building and Housing, dated September 1, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket is rescheduled for November 3, 2004.

* * *

Docket A-93-04.

RE: Appeal of One Playhouse Square Investors, Ltd., Owner of the Property located on the premises known as 1375 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 14, 2004, 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 two (2) three-hour doors to exist in the party wall, recognizing that there is a joint ownership with the requirements that should the joint ownership cease, that the City must be notified ninety (90) days prior to that time and that if any variance is required or construction required, it will be in accordance with the Codes in effect at that time. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley. Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-95-04.

RE: Appeal of National Church Residences, Owner of the Property located on the premises known as 11500 Detroit Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 31, 2004, 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 garage to be constructed without the 98" high requirement for total van ADA accessible, noting that there are spaces available and that there will be designated spaces available directly adjacent to either the garage or the front entry of the building, and that the ADA accessible parking spaces will be noted within the garage with the noted height restriction and that any action by this Board does not relieve the Appellant from complying with any Federal regulations regarding these issues. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-97-04.

RE: Appeal of American National Group, Owner of the Property located on the premises known as 1220 Huron Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 14, 2004, 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 lobby to be constructed as indicated with the provision that a fire curtain be installed at the exterior perimeter of the lobby to isolate the lobby from the elevator lobby from adjacent spaces; the use of the roof as a deck assembly has been previously permitted under a previous resolution, noting that there is a two-hour roof under the deck and that two (2) exits have been provided from the deck area and that a fire alarm system will be extended to the roof deck area. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-98-04.

RE: Appeal of Sherwin Bolivar, LLC, Owner of the Property located on the premises known as 737 Bolivar Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 20, 2004, 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 construction of the two story shaft unenclosed as interpreted being permitted by Section 707 Shaft Enclosures by the Board with the provision that smoke detectors be installed on top of the atrium to provide additional early warning devices. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bradley and seconded by Mr. Saunders 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-65-04—Charlotte L. Tate.
- A-66-04—Champak N. Patel.
- A-72-04—TMS Enterprises, Ltd.
- A-94-04—Brian Hart

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

* * *

APPROVAL OF MINUTES:

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

September 22, 2004

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

* * *

Secretary

PUBLIC NOTICE

NOTICE

Cleveland City Council is requesting proposals from certified public accountants to perform a continuous audit of the books of accounts, records, and transactions of the City of Cleveland as required by the Charter of the City of Cleveland. The request for proposal may be viewed online at:

www.clevelandcitycouncil.org.

VALARIE J. McCALL
City Clerk, Clerk of Council
 216.664.4551
vmccall@clevelandcitycouncil.org

October 6, 2004 and October 13, 2004

PUBLIC NOTICE

Consistent with the Charter of the City of Cleveland, the following public notice appeared in The Plain Dealer on September 20, 2004 and September 27, 2004 and The Call and Post on September 23, 2004 and September 30, 2004.

Ordinance No. 846-04, passed by the Council of the City of Cleveland on August 11, 2004, authorizes the submission to the electors of the City of Cleveland on Tuesday, November 2, 2004, of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland to read as follows:

§116 Police Force; Control by Chief

The Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police to protect the people from homeland security threats and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the

civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

§126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.

(e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.

(f) The secretary to the mayor and one secretary for each director of a department.

(g) Eight (8) executive assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.

(h) Students enrolled in a recognized college or university in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(i) School crossing guards.

(j) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the ordinary unskilled labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the Commission, the fitness of applicants for which may be determined by non-competitive tests.

(c) The ordinary unskilled labor class shall include all ordinary unskilled labor positions for which it is impractical to give competitive tests. Such positions shall be filled from unskilled labor eligible lists established and maintained by the Commission. The Commission shall register applicants for positions in the labor class either continuously or at such times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the inten-

tion to so accept registrations shall be made by the Commission. Priority of such registration shall determine an applicant's place on the eligible list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission. Eligibility to be called for examination following registration shall expire one year following the date of registration.

The Civil Service Commission shall be the sole authority under the Charter to determine the grade and classification of positions as to duties and responsibilities in all branches of the classified service.

VALARIE J. McCALL
City Clerk, Clerk of Council

October 6, 2004 and October 13, 2004

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."

THURSDAY, OCTOBER 21, 2004

Rehabilitating Grayton Road (between Puritas Avenue and the I-480 Bridge), for the Division of Engineering and Construction,

Department of Public Service, as authorized by Ordinance No. 2334-03, passed by the Council of the City of Cleveland, February 9, 2003.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 8, 2004, AT 11:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

City Wide Recreation Centers Improvements 2004 (Mayor's Warm, Safe and Dry Initiative) Re-Bid, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1264-03, passed by the Council of the City of Cleveland, July 16, 2003.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 14, 2004, AT 2:00 P.M., CUDELL RECREATION CENTER, 1910 WEST BLVD. (AT DETROIT ROAD), CLEVELAND, OHIO 44102.

October 6, 2004 and October 13, 2004

WEDNESDAY, OCTOBER 27, 2004

Turnout Clothing, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 22, 2004, AT 10:00 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

Purchase of Lubricants, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 763-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, OCTOBER 19, 2004, AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Paper and Envelopes, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 1256-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, OCTOBER 19, 2004, AT 11:00 A.M., DIVISION OF PRINTING, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 6, 2004 and October 13, 2004

WEDNESDAY, OCTOBER 27, 2004

Labor and Materials for the Sewer Test Tee Installation, Inspection & Repair, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 541.13, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 21, 2004, AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, (RED CONFERENCE ROOM), CLEVELAND, OHIO 44108.

October 13, 2004 and October 20, 2004

THURSDAY, OCTOBER 28, 2004

Group VI Copiers, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 1682-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 21, 2004, AT 11:00 A.M., DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 13, 2004 and October 20, 2004

THURSDAY, NOVEMBER 4, 2004

West 105th Street Rehabilitation from Bellaire Road to Lorain Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1980-02 and 2330-03, passed by the Council of the City of Cleveland, October 21, 2002 and February 9, 2004, 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, OCTOBER 28, 2004, AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 13, 2004 and October 20, 2004

FRIDAY, NOVEMBER 12, 2004

Nottingham Backwash Clarifier Project No. 459, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 834-04, passed by the Council of the City of Cleveland, June 14, 2004.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 29, 2004, AT 9:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDI-

TORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Neutralization Chemicals, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, OCTOBER 22, 2004, AT 1:00 P.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

October 13, 2004 and October 20, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1773-04.

By Council Member Jackson (by departmental request).

An emergency resolution requesting the County Auditor to make advances during the year 2005 under Section 321.34 of the Revised Code.

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 under Section 321.34 of the Revised Code, the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2005 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2005 fiscal year, during which year this continuing request is applicable. The payments are to be made from time to time under the schedule set by Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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

Adopted October 4, 2004.

Effective October 5, 2004.

Res. No. 1863-04.

By Council Member Coats.

An emergency resolution joining the National League of Cities in calling for a national commitment to ensure access to the American dream and joining the National League of Cities in urging state and federal leaders to work with the City of Cleveland to develop programs and policies that will maximize access to affordable housing,

strengthen public education, create opportunities to develop marketable job skills, and build inclusive communities.

Whereas, the American Dream is rooted in principles of fairness, opportunity, and a chance to succeed; and

Whereas, the leaders of America's cities and towns are on the front of service delivery and are the level of government that citizens look to first to ensure a good quality of life and a bright future; and

Whereas, the National League of Cities believes that government at all levels has a responsibility to work together to develop policies and programs that will give every American an opportunity to achieve the American dream; and

Whereas, a new National League of Cities public opinion survey shows that two-thirds of Americans believe the dream is becoming harder to achieve especially for young families and nearly three quarters believe government should actively work to help people achieve the American dream; and

Whereas, this Council is committed to working with other governmental leaders to maximize access to affordable housing, strengthen public education, create opportunities to develop marketable job skills, and build an inclusive community; and

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

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

Section 1. That this Council joins the National League of Cities in calling for a national commitment to ensure access to the American dream.

Section 2. That this Council joins the National League of Cities in urging state and federal leaders to work with the City of Cleveland to develop programs and policies that will maximize access to affordable housing, strengthen public education, create opportunities to develop marketable job skills, and build inclusive communities.

Section 3. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to Ohio Governor Bob Taft, those members of the State of Ohio Legislature representing residents of the City of Cleveland, 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 National League of Cities.

Section 4. 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 October 4, 2004.

Effective October 5, 2004.

Res. No. 1864-04.

By Council Member Jackson.

An emergency resolution objecting to the transfer of Liquor License of a C2 and C12X Liquor Permit at 3609 Community College Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Curtis Hunt, DBA Right on Time Food & Beverage, 6002 Woodland Avenue, 1st floor, Cleveland, Ohio 44104, Permanent Number 4073963 to Curtis Hunt, DBA Right on Time Food & Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent Number 40739630001; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2 and C2X Liquor Permit from Curtis Hunt, DBA Right on Time Food & Beverage, 6002 Woodland Avenue, 1st floor, Cleveland, Ohio 44104, Permanent Number 4073963 to Curtis Hunt, DBA Right on Time Food & Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent Number 40739630001, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to

transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted October 4, 2004.
Effective October 5, 2004.

Res. No. 1865-04.

By Council Member Jones.

An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 4501-5 Lee Road and repealing Resolution No. 1338-04, objecting to said renewal.

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit to 4501-5 Lee Road by Resolution No. 1338-04 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 C1, C2 and D6 Liquor Permit to Wahdan Zayed, Inc., 4501-5 Lee Road, Cleveland, Ohio 44128, Permanent Number 9344292 be and the same is hereby withdrawn and Resolution No. 1338-04, 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 October 4, 2004.
Effective October 5, 2004.

Res. No. 1866-04.

By Council Member White.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 4525 Turney Road and repealing Resolution No. 1355-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 4525 Turney Road by Resolution No. 1355-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Hargur, Inc., DBA Turney Deli, 4525 Turney Road, Cleveland, Ohio 44105, Permanent Number 3602732 be and the same is hereby withdrawn and Resolution No. 1355-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 4, 2004.
Effective October 5, 2004.

Res. No. 1870-04.

By Council Members O'Malley and Dolan.

An emergency resolution encouraging the Board of Trustees of the Cleveland Public Library and the Director of the Cleveland Public Library to conduct or participate in an analysis to determine the advantages and disadvantages of merging with the Cuyahoga County Public Library.

Whereas, Cleveland has the highest poverty rate in the nation and its homeowners can least afford additional tax burdens; and

Whereas, in November of 2003, Cleveland voters approved a Cleveland Public Library tax levy that increased the property taxes on a \$100,000 home by an additional \$78.82; and

Whereas, homeowners in Cleveland owning homes valued at a \$100,000 pay \$170.00 a year in property taxes to fund the Cleveland Public Library; and

Whereas, homeowners in Cuyahoga County, without an independent library system, owning homes valued at \$100,000 pay \$36.00 a year in property taxes to fund the Cuyahoga County Public Library; and

Whereas, the Main Library of the Cleveland Public Library is located in downtown Cleveland and is utilized by both City of Cleveland homeowners and suburban homeowners; and

Whereas, during these challenging economic times, it is imperative that public entities use tax payer dollars in the most effective and efficient manner; and

Whereas, it is appropriate for the Cleveland Public Library to conduct or participate in analysis to deter-

mine the advantages and disadvantages of merging with the Cuyahoga County Public Library; and

Whereas, the Cleveland Municipal School District is seeking a significant property tax increase to fund school operations; and

Whereas, a merger of the Cleveland Public Library with the Cuyahoga County Public Library may result in a property tax savings for Cleveland homeowners and any potential savings could be used to offset the property tax increases sought by the Cleveland Municipal School District; 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. Encouraging the Board of Trustees of the Cleveland Public Library and the Director of the Cleveland Public Library to conduct or participate in an analysis to determine the advantages and disadvantages of merging with the Cuyahoga County Public Library.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to each member of the Cleveland Public Library Board of Trustees, the Director of the Cleveland Public Library, each member of the Cuyahoga County Public Library Board of Trustees, and the Director of the Cuyahoga County Public Library.

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 October 4, 2004.
Effective October 5, 2004.

Ord. No. 785-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Russell Avenue to Yolanda Gilcrease.

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

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

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

a municipal department; now, therefore,

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-02-100, as more fully described below, to Yolanda Gilcrease.

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

P. P. No. 106-02-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in the L.M. Southern Subdivision of part of Original One Hundred Acre Lot Nos. 344 and 345 as shown by the recorded plat in Volume 6 of Maps, Page 9 of Cuyahoga County Records, and being a parcel of land 50.00 feet front on the Westerly side of Russell Avenue and extending back 225.00 feet on the Northerly line 225.80 feet on the Southerly line and having a rear line of 20 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 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive

covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1284-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 88th Street to Ora D. Gildersleeve.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-05-018, as more fully described below, Ora D. Gildersleeve.

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

P. P. No. 119-05-018

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

Ohio, and known as being the Southerly 35 feet of the Northerly 38 feet of Sublot No. 11 in James W. Stewart's Subdivision of part of Original One Hundred Acre Lot No. 392, as shown by the recorded plat in Volume 22 of Maps, Page 21 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 88th Place (formerly Wilmington Street) and extending back between parallel lines 45 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 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1525-04.

By Council Member Sweeney.

An ordinance changing the Use District of land along the west side of West 130th Street from Sprecher Avenue north to Crossburn Avenue from a General Retail Business Use District to a Local Retail Business Use District (Map Change No. 2135, Sheet No. 13)

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

Section 1. That the Use Districts of lands bounded and described as follows:

Beginning on the Centerline of Crossburn Avenue (40 feet wide) to its Intersection with the Centerline of West 130th Street (70 feet wide);

Thence Southerly along the Centerline of said West 130th Street to its Intersection with the Centerline of Sprecher Avenue (40 feet wide);

Thence Westerly along the Centerline of said Sprecher Avenue to its Intersection with the Southerly prolongation of the Westerly line of Sublot No. 5 of the Clark-Manchester Company's Homesite Allotment No. 4, as shown by the recorded plat in Volume 59, Page 8 of the Cuyahoga County Records;

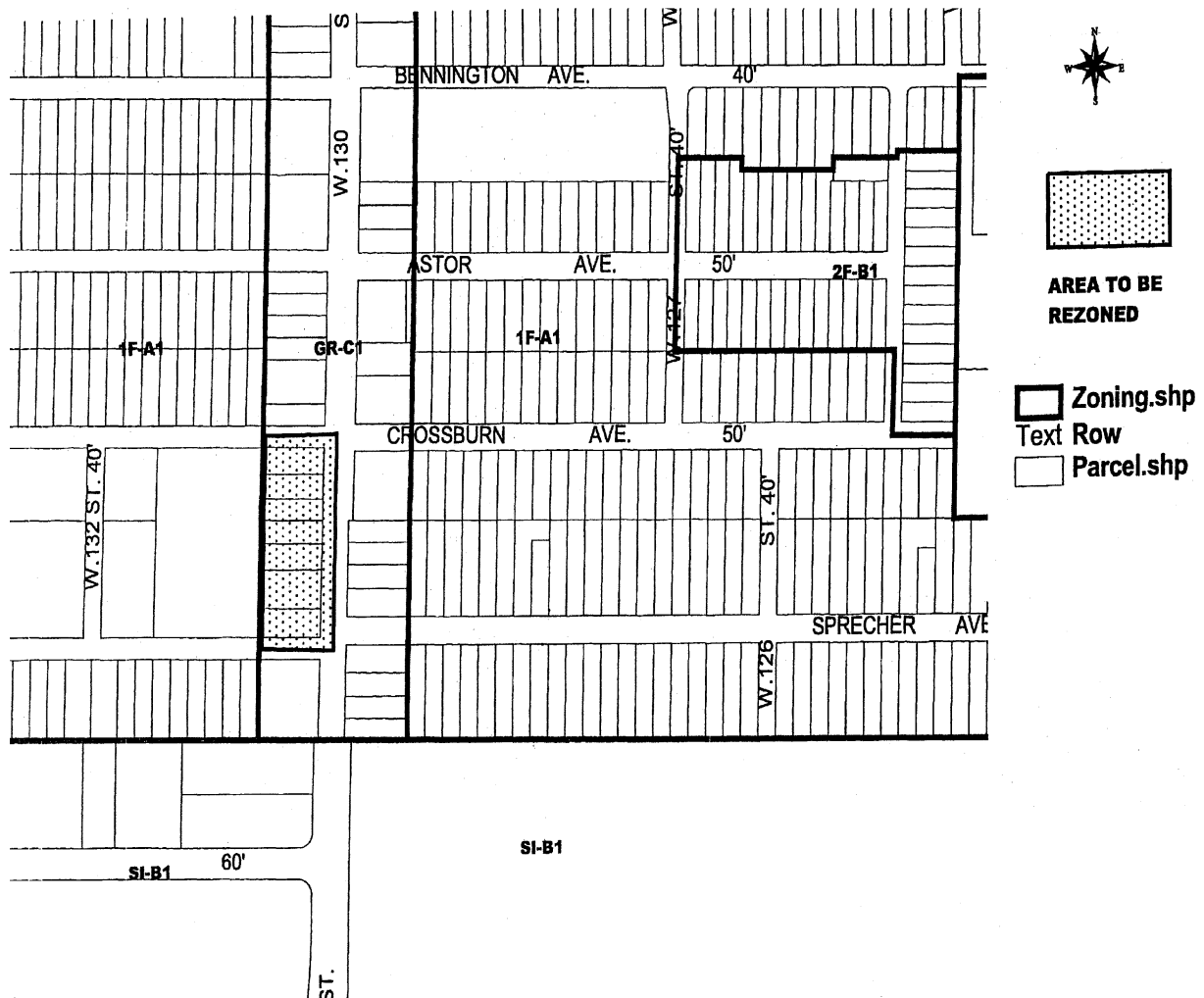
Thence Northerly along the Southerly prolongation and Westerly line of Sublot Nos. 5, 4, 3, 2, and 1 of said Allotment and continuing northerly along the Westerly line of Sublot Nos. 205, 204, and 203 of the Clark-Manchester Company's Homesite Allotment, as shown by the recorded plat in Volume 54, Page 34 of the Cuyahoga County Records and along the Northerly prolongation of the Westerly line of said Sublot No. 203 to its Intersection with the Centerline of Crossburn Avenue, as aforesaid;

Thence Easterly along the Centerline of said Crossburn Avenue to its Intersection with the Centerline of West 130th Street, as aforesaid, and the place of beginning, and as outlined and shaded on the attached map is changed to a Local Retail Business Use District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2135, Sheet No. 13 and shall be made upon the Building Zone Maps of the City of Cleveland 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 this 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.

Proposal to rezone the west side of West 130th from Sprecher Avenue to Crossburn Avenue from a General Retail Business Use District to a Local Retail Business Use District (Map Change No. 2135, Sheet No. 13)



Passed October 4, 2004.
Effective November 13, 2004.

Ord. No. 1657-04.

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

An emergency ordinance to levy special assessments to construct an amenity strip in the sidewalk and emplacing tree pockets for the purpose of implanting shade trees along the public right-of-way on West 117th Street from Madison Avenue to approximately 100 feet north of Clifton 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 constructing an amenity strip in the sidewalk and emplacing tree pockets for the purpose of implanting shade trees along the public right-of-way for the purpose of implanting shade trees on West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 2124-2000, adopted February 12, 2001, and amounting in the aggregate to \$118,785.71, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 1657-04-A, is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement of each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council finds and determines that the revised assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

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

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

Section 5. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of

this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1658-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products and cloth wipers, 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 industrial paper products and cloth wipers 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 104795)

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

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1775-04.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Glenville Homes, III L.P.

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. 108-15-098 as more fully described below, to Glenville Homes, III L.P.

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. 108-15-098

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 in Blakeslee Subdivision of part of Original One Hundred Acre Lot No. 363 as shown by the recorded plat in Volume 41 of Maps, Page 11 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 110th Street, and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-16-011 as more fully described below to Glenville Homes, III L.P.

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

P. P. No. 108-16-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in William Stanley's Subdivision of part of Original One Hundred Acre Lot No. 362 as shown by the

recorded plat in Volume 23 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Dupont Avenue, 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.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-19-090 as more fully described below to Glenville Homes, III L.P.

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

P. P. No. 109-19-090

Parcel 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 165 in Morison and Glenn's Boulevard Park Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Olivet Avenue, N.E. and extending back 104-32/100 feet deep on the Easterly line, 105-07/100 feet deep Westerly line and 35-01/100 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 378, bounded and described as follows:

On the North by the Southerly line of Sublot No. 165 in Morison and Glenn's "Boulevard Park" Allotment as recorded in Volume 19 of Maps, Page 26 of Cuyahoga County Records; on the East and West by the Easterly and Westerly line of said Sublot produced Southerly, and on the South by the Northerly line of an alley shown on the plat of Curtiss-Ambler and Johnson's Allotment, as recorded in Volume 16 of Maps, Page 10 of Cuyahoga County Records, being a part of the "Dummy Strip"; so called, in said Original One Hundred Acre Lot No. 378, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-19-091 as more fully described below, to Glenville Homes, III L.P.

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

P. P. No. 109-19-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 378 and all of Sublot No. 166 in Morison and Glenn's Boulevard Park

Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga County Records, together forming a parcel of land, bounded and described as follows:

Beginning at a point in the Southerly line of Olivet Avenue, N.E. (44 feet wide) at the Northeasterly corner of said Sublot No. 166; thence Westerly along said Southerly line of Olivet Avenue, 35 feet to the Northwesterly corner of said Sublot No. 166; thence Southerly long the Westerly line of said Sublot No. 166 and its Southerly prolongation thereof to the Northerly line of Olivet Court (12 feet wide); thence Easterly along said Northerly line of Olivet Court, about 35 feet to its intersection with the Southerly prolongation of the Easterly line of said Sublot No. 166; thence Northerly along said Southerly prolongation and along the Easterly line of said Sublot No. 166 to the place of beginning, 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. 109-19-128 as more fully described below, to Glenville Homes, III L.P.

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

P. P. No. 109-19-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 112 in Morison and Glenn's Boulevard Park Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Olivet Avenue N.E., (formerly Olivet Street) and extending back 97 82/100 feet on the Easterly line, 98 12/100 feet on the Westerly line, and having a rear line of 35 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 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-20-011 as more fully described below, to Glenville Homes, III L.P.

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

P. P. No. 109-20-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in the Lake View Road Allotment of part of Original One Hundred Acre Lot Nos. 371, as shown by the recorded plat in Volume 52 of Maps, Page 38 of Cuyahoga County Records, and being 43.55 feet front on the Westerly side of Lakeview Road N.E., and extending back of

equal width 117.83 feet deep on the Northerly line, 124.33 feet deep on the Southerly line and 43.06 feet wide in the rear, be the same more 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. 109-20-025 as more fully described below, to Glenville Homes, III L.P.

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

P. P. No. 109-20-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 and part of Sublot No. 14 in Lakeview Road Allotment of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 52 of Maps, Page 38 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of Linn Drive, N.E. at the Southwesterly corner of said Sublot No. 17; thence Northerly along said Easterly line of Linn Drive, N.E., 45 feet to the Northwesterly corner of said Sublot No. 17; thence Easterly along the Northerly line of said Sublot No. 17 and along the Easterly prolongation thereof, 125.62 feet to the Easterly line of Sublot No. 14; thence Southerly along said Easterly line of Sublot No. 14, 45 feet to the Southwesterly corner thereof, thence Westerly along the Southerly line of said Sublot Nos. 14 and 17, 125.695 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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 Nos. 108-04-002, 108-04-003, 108-06-001, 108-06-004, 108-06-006, 108-06-007, 108-06-010, 108-06-011, 108-06-048, 108-06-064, 108-08-010, 108-08-011, 108-08-012, 109-18-117, 109-20-056, and 109-13-121 as more fully described below, to Glenville Homes, III L.P.

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

P. P. No. 108-04-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 in Talbot Winslow and Sharpe's Re-Subdivision of part of James Subdivision of part of Original One Hundred Acre Lot No. 360, as shown by the recorded plat in Volume 7 of Maps, Page 12 of Cuyahoga County Records, and being a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 93rd Street (formerly Houghton Avenue) at the Southwesterly corner of said Sublot No. 11; thence Northerly along said Easterly line of East 93rd Street, 50 feet to the North-

westerly corner of said Sublot No. 11; thence Easterly along the Northernly line of said Sublot No. 11, 67 feet 9-5/8 inches; thence Southerly on a line 49 feet 8 inches to a point on the Southerly line of said Sublot No. 11, 71 feet 10 inches Easterly, measured along the Southerly line from the Southwesterly corner thereof; thence Westerly along said Southerly line of said Sublot No. 11, 71 feet 10 inches, to the place of beginning, as appears by said plat.

Subject to zoning ordinances, if any.

P. P. No. 108-04-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly part of Sublot No. 10 in Talbot Winslow and Sharpe's Re-Subdivision of part of James Houghton's Subdivision of part of Original One Hundred Acre Lot No. 360, in said City, as shown by the recorded plat of said Re-Subdivision recorded in Volume 7 of Maps, Page 12 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Easterly line of East 93rd Street (formerly Houghton Avenue) at the Northwesterly corner of said Sublot; thence East along the North line of said Sublot, 71 feet and 10 inches; thence South parallel with East line of said Sublot, 30 feet; thence West parallel with the North line of said Sublot, about 76 feet, 8-3/4 inches to the Easterly line of East 93rd Street; thence Northernly along said Easterly line of East 93rd Street, about 30 feet 4-3/4 inches to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 108-06-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northernly 30 feet of Sublot No. 2 in The Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 90th Street, and extending back of equal width 105 feet along the Southerly line of Steward Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 108-06-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 46 feet from front to rear of Sublot No. 4, in the Realty Trust Company's Gordon Farm Subdivision part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records, and being a parcel of land 46 feet front on the Northeasterly line of East 90th Street and extending back of equal width 105 feet deep, be the same more or less, but subject to all legal highways.

P. P. No. 108-06-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of

Sublot No. 6 and the Southerly 4 feet of Sublot No. 5 in the Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records and together forming a parcel of land having a frontage of 54 feet on the Easterly side of East 90th Street and extending back of equal width 105 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 108-06-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lots Nos. 360 and 368, as shown by the recorded plat of said Subdivision in Volume 36 of Maps, Page 28 of the Cuyahoga County Records.

P. P. No. 108-06-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in the Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lot Nos. 360 and 358, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 90th Street, and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Easement recorded in Volume 85-5976, Page 55 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

P. P. No. 108-06-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in the Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 90th Street, and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 108-06-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 138 in the Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 92nd Avenue (formerly East 92nd Street) and extending back of equal width 105 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.

P. P. No. 108-06-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 52 and the Westerly 10 feet of Sublot No. 78, in the Realty Trust Company's Gordon Farm Subdivision of part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 36 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Northeasterly line of East 91st Street and extending back of equal width, 115 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 108-08-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Schatzinger and Tremaine's Subdivision of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat of said Subdivision in Volume 18 of Maps, Page 7 of Cuyahoga County Records. Said Sublot No. 21 has a frontage of 40 feet on the Northwesterly side of Elk Avenue, N.E., (formerly Ethel Avenue) and extends back between parallel lines 120 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.

P. P. No. 108-08-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in Schatzinger and Tremaine's of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat in Volume 18 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Northernly side of Elk Avenue, 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.

Subject to Zoning Ordinances, if any.

P. P. No. 108-08-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 23 in the Schatzinger and Tremaine's Subdivision of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat in Volume 18 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Northernly side of Elk Avenue, N.E., (formerly Ethel Avenue) and extending back 120 feet on the Westerly line, 119.87 feet on the Easterly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 109-18-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 20 feet of Sublot No. 116 and the Easterly 20 feet of Sublot No. 117 in Morison and Glenn's Boulevard Park Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga Coun-

ty Records, and together forming a parcel of land 40 feet front on the Northerly side of Olivet Avenue N.E., 99.55 feet deep on the Westerly line, 99.21 feet deep on the Easterly line and 40 feet wide in the rear, 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.

Subject to restrictions and building line recited in Volume 649, Page 570 of Cuyahoga County Records dated October 12, 1895.

P. P. No. 109-20-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 211 and part of Sublot Nos. 210 and 212 in John W. Taylor and Company's Douglas Park Subdivision of part of Original One Hundred Acre Lot Nos. 370 as shown by the recorded plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of Parkwood Drive, N.E. (formerly Parkwood Boulevard), at a point distant 8 feet Northerly measured along said Easterly line, from the Southwesterly corner of said Sublot No. 212; thence Southerly along the Easterly line of Parkwood Drive, N.E. 62 feet; thence Easterly and parallel with the Northerly line of said Sublot No. 210, 134.65 feet to the Northwesterly corner of land conveyed to Henry and Anna Tabakin by deed dated December 14, 1926 and recorded in Volume 3390, Page 269 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed about 0.44 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of land so conveyed, 25.50 to the Southeasterly corner thereof; thence Northerly along the Easterly line of land so conveyed, 0.41 feet to the Northeasterly corner thereof; thence Easterly and parallel with the Northerly line of said Sublot No. 210, about 41.68 feet to the Easterly line of said Sublot No. 210; thence Northerly along the Easterly line of said Sublot Nos. 210, 211 and 212 about 62 feet to its intersection with a line drawn Easterly and parallel with the Southerly line of said Sublot No. 212, from the place of beginning, thence Westerly along said parallel line about 201.68 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 109-13-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 44.5 feet of the Easterly 100 feet of Sublot No. 121 in J.W. Taylor and Company's Douglas Park Subdivision of part of Original One Hundred Acre Lot No. 370, as shown by the recorded plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records and being 44.5 feet front on the Westerly side of Parkwood Drive, N.E., and extending back of equal width 100.00 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.

Passed October 4, 2004.
Effective October 5, 2004.

Ord. No. 1789-04.
By Council Member Conwell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at on scattered sites to Hough Homes, L.P.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-21-099 as more fully described below, to Hough Homes, L.P.

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

P. P. No. 109-21-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 234 in Knight, Richardson & Moore's Allotment of part of Original One Hundred Acre Lot No. 379, as shown by the recorded plat in Volume 24 of Maps, Page 5 of Cuyahoga County Records, and being 35.00 feet front on the Northerly side of Ada Avenue, N.E., and extending back 128.58 feet on the Easterly line, 128.31 feet on the Westerly line and having a rear line of 35.00 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-15-165 as more fully described below to Hough Homes, L.P.

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

P. P. No. 110-15-165

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 265 in the Elworthy-Helwick Company's Forest Hill Parkway Subdivision of part of original 100 acre Lots 372 and 373 as shown by the recorded plat in Volume 66 of Maps, Page 16, bounded and described as follows:

Beginning in the Southeasterly line of Woodside Avenue, N.E., at the Northwesterly corner of a parcel of land conveyed to the Society for Savings in the City of Cleveland by deed dated June 30, 1936 and recorded in Volume 4653, Page 448 of Cuyahoga County Records; thence Southwesterly along the Southeasterly line of Woodside Avenue N.E., 37.57 feet to the Northwesterly corner of said Sublot No. 265; thence Southerly along the Westerly line of Sublot 265, 124.57 to the Southwesterly corner thereof; thence Easterly along the Southerly line of Sublot No. 265, 34.50 feet; thence northerly to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to restrictions appearing of record in Volume 2219, Page 338.

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. 110-30-003 as more fully described below, to Hough Homes, L.P.

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

P. P. No. 110-30-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 187 in Knight, Richardson & Moore's Subdivision of part of Original 100 Acre Lot No. 379 as shown by the recorded plat in Volume 24, Page 5 of Cuyahoga County Plat Records and being 35 feet front on the Easterly side of East 114th Street and extending back between parallel lines 100 feet deep as appears by said plat.

Parcel 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly part of Sublot No. 186 in Knight, Richardson and Moore's Subdivision of part of Original 100 Acre Lot N. 379 as shown by the recorded plat in Volume 24 of Maps, Page 5 of Cuyahoga County Records and bounded and described as follows: Beginning at a point in the Easterly line of East 114th Street which is 15 inches Southerly as measured along said Easterly line from the Northwesterly corner of said Sublot No. 186; thence Northerly 15 inches to the Northwesterly corner of said Sublot; thence Easterly 100 feet to the Northeasterly corner of said Sublot; thence Southerly along the Easterly line of said Sublot, 25 inches to a point; thence Westerly parallel to the northerly line of said Sublot, 48.5 feet to a point; thence Northeasterly to a point in line passing through the place of beginning and parallel to the Northerly line of said Sublot, which is 42.5 feet Easterly of the place of beginning; thence Westerly 42.5 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 Easement recorded in Volume 1439, Page 497 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-05-041 as more fully described below, to Hough Homes, L.P.

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

P. P. No. 120-05-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 388 and bounded and described as follows:

Beginning at a point on the Westerly line of Lakeview Road 75 02/100 feet Southerly from its intersection with the Southerly line of Beulah Avenue, N.E.; thence Southerly along the Westerly line of Lakeview, 40 13/100 feet; thence Westerly parallel with the Northerly line of Moulton Avenue, N.E., 124 09/100 feet; thence Northerly at right angles to Beulah Avenue, N.E., 40 feet; thence Easterly parallel with Moulton Avenue, N.E., 121 14/100 feet to the place of beginning and being further known as Sublot

No. 53 in F.L. Cody's proposed Subdivision of part of Original One Hundred Acre Lot No. 388.

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. 120-05-042 as more fully described below, to Hough Homes, L.P.

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

P. P. No. 120-05-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 388 and bounded and described as follows:

Beginning on the Westerly line of Lakeview Road at a point 115-15/100 feet Southerly from the intersection with the Southerly line of Beulah Avenue, N.E.; thence Southerly along the Westerly line of Lakeview Road 40-12/100 feet; thence Westerly parallel with Moulton Street 127-03/100 feet; thence Northerly along a line drawn at right angles to Beulah Street 40 feet thence Easterly 124-09/100 feet to the place of beginning and is further known as Sublot No. 54 in Frank L. Cody's Proposed Subdivision of a part of Original One Hundred Acre Lot No. 388, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-13-069 as more fully described below, to Hough Homes, L.P.

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

P. P. No. 120-13-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in The Lake View Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records, and being 35 feet front on the Westerly side of East 125 Street, and extending back between parallel lines 115 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easement recited on Deed Volume 1594, Page 230 of Cuyahoga County Records filed July 14, 1914.

Also 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 Nos. 106-21-007 and 106-21-124 to Hough Homes, L.P.

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

nance is more fully described as follows:

P. P. No. 106-21-007

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot No. 342 and also a part of Sublot No. 20 in Whitethorn Avenue N.E. Allotment of part of Original 100 Acre Lot Nos. 342 and 391 as shown by the recorded plat of said Allotment in Volume 34 of Maps, Page 30 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of Addison Road, N.E. (formerly East Madison Avenue) at the most Westerly corner of land conveyed to Maria Schneider by deed dated December 8, 1910 and recorded in Volume 1301, Page 353 of Cuyahoga County Records; thence Northwesterly along said Northeasterly line of Addison Road, N.E., 66-2/100 ft. to the Southwesterly corner of land conveyed to Lena Pasnow and Joseph Pasnow by deed dated March 18, 1896 and recorded in Volume 629, Page 589 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Lena and Joseph Pasnow and along the Southerly line of land conveyed to Adelia I. Branigan by deed dated March 2, 1911 and recorded in Volume 1327, Page 243 of Cuyahoga County Records to an angle; thence Southerly along the Westerly line of land so conveyed to Adelia I. Branigan 53-45/100 ft. to the Northerly line of said Sublot No. 20; thence Easterly along the Northerly line of said Sublot No. 20 to a Northwesterly corner of land so conveyed to Maria Schneider; thence Southerly along the Westerly line of land conveyed to Maria Schneider to an angle; thence Westerly along the Northerly line of land so conveyed to Maria Schneider to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 106-21-124

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot No. 342, and bounded and described as follows:

Beginning on the Southerly line of Cory Avenue, nka Cory Avenue, N.E., as dedicated and shown by the recorded plat in Volume 27 of Maps, Page 24 of Cuyahoga County Records, at a point 113.54 ft. Easterly from its intersection with the Easterly line of East Madison Avenue, nka Addison Road, N.E., said point of beginning also at the Northeast corner of the parcel of land conveyed to Lena and Joseph Pasnow by Emily G. Cory and J.B. Cory, her husband, by deed dated March 18, 1896, and recorded in Volume 629, Page 589 of Cuyahoga County Records; thence Easterly along the Southerly line of said Cory Avenue, N.E., 47 ft. to the Northwest corner of a parcel of land conveyed by Emily G. Cory and J.B. Cory, her husband, to Sally A. Bisell by deed dated March 12, 1890, and recorded in Volume 462, Page 475 of Cuyahoga County Records; thence South at right angles to the

South line of Cory Avenue, N.E. and along the West line of lands so conveyed to Bissell, 90.95 ft. to the Southwest corner thereof and to the Southerly line of lands owned by Emily G. Cory; thence Westerly along the Southerly line of said lands about 46.66 ft. to the Southeast corner of the lands conveyed by The Citizens Savings and Trust Company to Sarah Swaffield by deed dated September 20, 1909, and recorded in Volume 1240, Page 116 of Cuyahoga County Records; thence North at right angles with the Southerly line of said Cory's land and along the East line of the lands so conveyed to Swaffield 53.45 ft. to the Northeast corner thereof; thence West parallel with the South line of said Cory's lands and along the North line of the lands so conveyed about .34 ft. to the Southeast corner of the lands conveyed to Lena and Joseph Pasnow, as aforesaid; thence North along the East line of said lands so conveyed and at right angles to the South line of Cory Avenue, N.E. to

the place of beginning, and being further known as parts of Sublots Nos. 20, 21 and 22 in E.G. Cory's Proposed Subdivision, of part of Original One Hundred Acre Lot Nos. 342 and 391, be the same more or less, but subject to all legal highways.

Section 15. 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 16. 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 nec-

essary or appropriate.

Section 17. 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 18. 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 October 4, 2004.

Effective October 5, 2004.

Ord. No. 1814-04.

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

An emergency ordinance to amend various sections of Ordinance No. 384-03, passed March 10, 2003, as amended, 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 the following sections of Ordinance No. 384-03, passed March 10, 2003,

Sections 4 and 7, as amended by Ordinance No. 1801-03, passed October 13, 2003,

Section 8, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003,

Sections 9, 10, 12, 13, 14, and 22, as amended by Ordinance No. 1801-03, passed October 13, 2003,

Section 27, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003,

Section 28, as amended by Ordinance No. 1505-04, passed August 11, 2004, Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003,

Sections 29 and 30, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003,

Sections 31 and 40, as amended by Ordinance No. 605-03, passed June 10, 2003,

Section 42, as amended by Ordinance No. 2096-03, passed October 27, 2003, and Ordinance No. 1801-03, passed October 13, 2003,

Section 46, as amended by Ordinance No. 605-03, passed June 10, 2003, and

Section 52,

are amended to read as follows:

Section 4. Employees of Council - Salary

That the Clerk of Council, with the approval of the President of Council, shall fix the salary of the employees of Council within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Administrative Assistant.....	\$21,851.06	\$69,251.79
2. Administrative Secretary.....	\$20,092.80	\$69,251.79
3. Assistant Legislative Clerk.....	\$20,092.80	\$54,274.17
4. Chief City Archivist.....	\$21,851.06	\$73,042.72
5. Chief Legislative Secretary.....	\$21,851.06	\$73,042.72
6. Council Receptionist.....	\$20,092.80	\$43,825.63
7. Deputy City Archivist.....	\$20,092.80	\$69,251.79
8. Deputy Clerk.....	\$21,851.06	\$69,251.79
9. Director of Communications.....	\$24,974.46	\$73,042.72
10. Director of Policy Research.....	\$24,974.46	\$73,042.72
11. Executive Assistant - Administration.....	\$24,974.46	\$73,042.72
12. Executive Assistant - Councilmembers.....	\$ 9.66	\$ 15.09
13. Executive Assistant to the Clerk of Council.....	\$24,974.46	\$73,042.72
14. Financial Assistant.....	\$20,092.80	\$43,825.60
15. Financial Manager.....	\$21,851.06	\$73,042.72
16. Financial Officer.....	\$20,092.80	\$69,251.79
17. First Assistant Clerk.....	\$24,975.91	\$73,042.72
18. Information and Technology Administrator.....	\$21,851.06	\$69,251.79
19. Information Systems Engineer.....	\$24,974.46	\$73,042.72
20. Legislative Assistant.....	\$20,092.80	\$58,434.18

21.	Legislative Committee Clerk.....	\$20,092.80	\$58,434.18
22.	Legislative Secretary.....	\$20,092.80	\$58,434.18
23.	Personnel and Human Resources Assistant.....	\$20,092.80	\$69,251.79
24.	Personnel and Human Resources Manager.....	\$21,851.06	\$73,042.72
25.	Planning and Development Advisor.....	\$55,000.00	\$72,800.00
26.	Policy Research Analyst.....	\$21,851.06	\$69,251.79
27.	Public Relations Manager.....	\$21,851.06	\$73,042.72
28.	Sergeant-at-Arms.....	\$20,092.80	\$40,180.29
29.	Special Counsel.....	\$41,416.04	\$78,000.00

Section 7. 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 8. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	Accountant I.....	\$ 9.66	\$ 17.95
2.	Accountant II.....	\$ 9.66	\$ 19.69
3.	Accountant III.....	\$ 9.66	\$ 21.83
4.	Accountant Clerk I.....	\$ 9.66	\$ 14.54
5.	Accountant Clerk II.....	\$ 9.66	\$ 15.71
6.	Activities Therapist.....	\$ 9.66	\$ 13.82
7.	AIDS Support Services Coordinator.....	\$ 10.49	\$ 15.46
8.	Air Pollution Control Engineer I.....	\$ 9.66	\$ 23.08
9.	Air Pollution Control Engineer II.....	\$ 9.66	\$ 24.33
10.	Air Pollution Control Engineer III.....	\$ 9.66	\$ 25.63
11.	Air Pollution Engineer.....	\$ 12.04	\$ 18.02
12.	Air Pollution Inspector I.....	\$ 12.12	\$ 18.57
13.	Air Pollution Inspector II.....	\$ 9.66	\$ 20.71
14.	Air Pollution Technician I.....	\$ 9.66	\$ 19.69
15.	Air Pollution Technician II.....	\$ 9.66	\$ 20.71
16.	Air Pollution Technician III.....	\$ 9.66	\$ 23.08
17.	Airport Information Representative.....	\$ 10.02	\$ 15.08
18.	Airport Operations Agent I.....	\$ 14.14	\$ 18.65
19.	Airport Operations Agent II.....	\$ 17.77	\$ 21.95
20.	Airport Safety Man.....	\$ 14.19	\$ 19.07
21.	Architect.....	\$ 9.73	\$ 27.14
22.	Associate Engineer.....	\$ 17.83	\$ 25.39
23.	Assistant Buyer.....	\$ 9.66	\$ 18.83
24.	Assistant City Planner.....	\$ 9.66	\$ 19.69
25.	Assistant Civil Engineer.....	\$ 9.66	\$ 19.69
26.	Assistant Electrical Engineer.....	\$ 9.66	\$ 19.69
27.	Assistant Mechanical Engineer.....	\$ 9.66	\$ 19.69
28.	Assistant Plan Examiner.....	\$ 13.42	\$ 20.71
29.	Associate Programmer.....	\$ 9.66	\$ 21.10
30.	Bacteriologist.....	\$ 9.66	\$ 21.82
31.	Bill Collector.....	\$ 10.02	\$ 15.08
32.	Billing Clerk.....	\$ 9.89	\$ 15.07
33.	Building Inspector.....	\$ 14.26	\$ 20.02
34.	Camera Room Operator.....	\$ 9.66	\$ 17.14
35.	Caseworker I.....	\$ 9.66	\$ 16.37
36.	Caseworker II.....	\$ 9.66	\$ 17.95
37.	Cashier/Starter.....	\$ 9.66	\$ 17.95
38.	Chemist.....	\$ 9.66	\$ 23.85
39.	Chief Miscellaneous Investigator.....	\$ 9.66	\$ 20.71
40.	Citizens Information Representative.....	\$ 9.66	\$ 17.14
41.	Civil Engineer.....	\$ 9.66	\$ 27.14
42.	Claims Examiner.....	\$ 9.66	\$ 20.71
43.	Clerk Typist.....	\$ 9.66	\$ 11.24
44.	Clinical Laboratory Assistant.....	\$ 9.66	\$ 17.14
45.	Clinical Laboratory Technician I.....	\$ 9.66	\$ 19.69
46.	Clinical Laboratory Technician II.....	\$ 9.66	\$ 21.10
47.	Cocaine Treatment Counselor I.....	\$ 9.66	\$ 16.30
48.	Cocaine Intake Specialist.....	\$ 9.95	\$ 14.67
49.	Community Development Code Enforcement Inspector I.....	\$ 14.08	\$ 21.84
50.	Community Development Code Enforcement Inspector II.....	\$ 14.89	\$ 23.08
51.	Community Development Code Enforcement Inspector III.....	\$ 15.70	\$ 24.33

52.	Community Development Code Enforcement Inspector/Heating I.....	\$ 14.08	\$ 21.84
53.	Community Development Code Enforcement Inspection/Heating II.....	\$ 14.89	\$ 23.08
54.	Community Development Code Enforcement Inspection/Heating III.....	\$ 15.70	\$ 24.33
55.	Community Development Code Enforcement Inspector/Refrigeration I.....	\$ 14.05	\$ 21.84
56.	Community Development Code Enforcement Inspector/Refrigeration II.....	\$ 14.89	\$ 23.08
57.	Community Development Code Enforcement Inspector/Refrigeration III.....	\$ 15.70	\$ 24.33
58.	Community Development Code Enforcement Inspector/Trainee.....	\$ 9.97	\$ 17.62
59.	Community Development Planner.....	\$ 9.87	\$ 26.11
60.	Community Health Aide.....	\$ 9.66	\$ 14.53
61.	Community Relations Representative I.....	\$ 9.66	\$ 17.14
62.	Community Relations Representative II.....	\$ 9.66	\$ 20.71
63.	Community Relations Representative III.....	\$ 9.66	\$ 25.63
64.	Composing Equipment Operator.....	\$ 9.66	\$ 18.83
65.	Computer Monitor Assistant.....	\$ 9.66	\$ 12.45
66.	Computer Operator.....	\$ 9.66	\$ 20.71
67.	Construction Technician.....	\$ 12.02	\$ 20.71
68.	Consumer Protection Specialist.....	\$ 9.66	\$ 16.37
69.	Contract and Monitoring Specialist.....	\$ 9.66	\$ 21.91
70.	Cook.....	\$ 11.38	\$ 14.18
71.	Copy Center Operator.....	\$ 9.66	\$ 16.64
72.	Cost Construction Estimator.....	\$ 9.66	\$ 20.16
73.	Customer Service Representative.....	\$ 10.03	\$ 15.70
74.	Data Control Clerk.....	\$ 9.66	\$ 15.09
75.	Data Conversion Operator.....	\$ 9.92	\$ 13.67
76.	Dental Assistant.....	\$ 9.66	\$ 14.25
77.	Development Officer.....	\$ 9.66	\$ 24.32
78.	Dietician.....	\$ 9.66	\$ 17.94
79.	Drug and Alcohol Counselor.....	\$ 9.66	\$ 13.34
80.	Electrical Engineer.....	\$ 9.66	\$ 27.14
81.	Electronic Engineer.....	\$ 9.66	\$ 27.63
82.	Elevator Inspector.....	\$ 14.23	\$ 21.84
83.	Engineer.....	\$ 22.78	\$ 30.90
84.	Environmental Compliance Specialist I.....	\$ 14.95	\$ 20.63
85.	Environmental Compliance Specialist II.....	\$ 16.35	\$ 21.61
86.	Environmental Compliance Specialist III.....	\$ 17.90	\$ 27.81
87.	Environmental Enforcement Specialist I.....	\$ 14.95	\$ 21.48
88.	Environmental Enforcement Specialist II.....	\$ 16.35	\$ 22.51
89.	Environmental Enforcement Specialist III.....	\$ 17.90	\$ 23.59
90.	Environmental Monitoring Specialist I.....	\$ 13.33	\$ 21.29
91.	Environmental Monitoring Specialist II.....	\$ 14.18	\$ 22.29
92.	Environmental Monitoring Specialist III.....	\$ 15.74	\$ 23.36
93.	Environmental Technician.....	\$ 12.35	\$ 18.56
94.	Family Planning Clerk.....	\$ 9.66	\$ 12.57
95.	Financial Analyst.....	\$ 9.66	\$ 19.69
96.	Financial Counselor.....	\$ 9.66	\$ 20.71
97.	First Press Operator.....	\$ 12.00	\$ 19.76
98.	Fuel System Technician.....	\$ 9.66	\$ 18.30
99.	General Health Aide.....	\$ 9.66	\$ 14.54
100.	General Storekeeper.....	\$ 9.66	\$ 21.83
101.	Geriatric Outreach Worker.....	\$ 9.66	\$ 19.69
102.	Head Cook.....	\$ 9.66	\$ 15.68
103.	Head Storekeeper.....	\$ 9.66	\$ 19.70
104.	Health Educator I.....	\$ 9.66	\$ 17.95
105.	Health Educator II.....	\$ 9.66	\$ 19.69
106.	Heating Inspector.....	\$ 14.23	\$ 20.02
107.	HIV Educator.....	\$ 9.66	\$ 11.46
108.	House Connection Inspector.....	\$ 12.70	\$ 16.74
109.	Housing Inspector.....	\$ 14.60	\$ 17.82
110.	Human Resources Contract Specialist.....	\$ 9.73	\$ 27.13
111.	Human Resources On-the-Job Training Specialist.....	\$ 10.21	\$ 23.07
112.	Human Resources Planner.....	\$ 10.74	\$ 28.66
113.	Human Resources Special Projects Coordinator.....	\$ 10.21	\$ 23.07
114.	Income Tax Tracer.....	\$ 10.04	\$ 15.87
115.	Industrial Hygiene Engineer.....	\$ 9.73	\$ 27.13
116.	Industrial Nuisance Inspector.....	\$ 9.66	\$ 17.95
117.	Information Control Analyst.....	\$ 9.66	\$ 18.79
118.	Inspector of Weight and Measures.....	\$ 9.66	\$ 16.37
119.	Instrumentation Technician I.....	\$ 16.87	\$ 19.28
120.	Instrumentation Technician II.....	\$ 18.83	\$ 21.24
121.	Instrument Repairman.....	\$ 9.66	\$ 18.98

122.	Intake Specialist.....	\$ 9.66	\$ 14.54
123.	Job Retraining Assistant.....	\$ 9.66	\$ 19.69
124.	Junior Cashier.....	\$ 9.66	\$ 15.08
125.	Junior Chemist.....	\$ 9.66	\$ 15.71
126.	Junior City Planner.....	\$ 9.66	\$ 17.95
127.	Junior Civil Engineer.....	\$ 9.66	\$ 17.95
128.	Junior Clerk.....	\$ 9.89	\$ 12.57
129.	Junior Draftsman.....	\$ 9.66	\$ 15.41
130.	Junior Engineering Aide.....	\$ 9.66	\$ 15.71
131.	Lab Coordinator.....	\$ 16.82	\$ 23.88
132.	Laboratory Assistant.....	\$ 9.66	\$ 17.14
133.	Laboratory Helper.....	\$ 9.66	\$ 13.54
134.	Landscape Architect.....	\$ 9.66	\$ 25.63
135.	Lead Pressman.....	\$ 9.66	\$ 19.97
136.	Life Guard.....	\$ 9.66	\$ 14.35
137.	Life Guard Captain.....	\$ 10.00	\$ 17.78
138.	Mechanical Engineer.....	\$ 9.66	\$ 27.13
139.	Messenger.....	\$ 9.66	\$ 13.54
140.	Meter Reader.....	\$ 12.82	\$ 17.12
141.	Minority Business Consultant.....	\$ 11.15	\$ 30.20
142.	Miscellaneous Investigator.....	\$ 9.66	\$ 16.54
143.	Monitoring, Auditing and Evaluation Coordinator.....	\$ 13.65	\$ 19.99
144.	Office Machine Operator.....	\$ 9.89	\$ 13.18
145.	On The Job Training Specialist.....	\$ 12.71	\$ 19.31
146.	Park and Recreation Planner.....	\$ 9.66	\$ 25.63
147.	Parking Attendant.....	\$ 9.66	\$ 14.54
148.	Parking Meter Collector.....	\$ 9.66	\$ 14.51
149.	Parking Meter Serviceman.....	\$ 13.62	\$ 15.27
150.	Permit Processing Specialist.....	\$ 9.66	\$ 12.18
151.	Pharmacist.....	\$ 10.74	\$ 28.65
152.	Pharmacodependent Rehabilitation Counselor I.....	\$ 9.66	\$ 13.90
153.	Pharmacodependent Rehabilitation Counselor II.....	\$ 9.66	\$ 16.42
154.	Photographer.....	\$ 9.66	\$ 19.69
155.	Photographic Laboratory Technician.....	\$ 9.66	\$ 17.14
156.	Photo-Litho Operator.....	\$ 9.66	\$ 15.71
157.	Physical Director.....	\$ 9.66	\$ 17.71
158.	Plan Examiner.....	\$ 9.66	\$ 23.42
159.	Play Director.....	\$ 9.66	\$ 12.41
160.	Police Data Specialist.....	\$ 9.92	\$ 13.67
161.	Police Radio Technician.....	\$ 16.38	\$ 18.66
162.	Pressman.....	\$ 9.66	\$ 19.32
163.	Preventive Health Counselor.....	\$ 13.59	\$ 20.03
164.	Preventive Health Educator.....	\$ 9.66	\$ 13.46
165.	Principal Cashier.....	\$ 9.66	\$ 21.10
166.	Principal Clerk.....	\$ 11.93	\$ 17.85
167.	Print Shop Helper.....	\$ 10.61	\$ 13.30
168.	Private Secretary.....	\$ 9.66	\$ 18.83
169.	Program Analyst.....	\$ 16.64	\$ 27.30
170.	Programmer.....	\$ 9.66	\$ 24.33
171.	Programmer Analyst.....	\$ 9.73	\$ 27.30
172.	Property Clerk.....	\$ 11.37	\$ 30.22
173.	Psychiatric Social Worker.....	\$ 12.48	\$ 19.64
174.	Psychologist I.....	\$ 10.74	\$ 26.12
175.	Psychologist II.....	\$ 12.88	\$ 30.79
176.	Public Health Nursing Aide.....	\$ 10.63	\$ 12.55
177.	Public Health Sanitarian I.....	\$ 12.78	\$ 19.44
178.	Public Health Sanitarian II.....	\$ 14.35	\$ 20.96
179.	Public Health Sanitarian III.....	\$ 15.49	\$ 21.78
180.	Public Health Sanitarian IV.....	\$ 9.66	\$ 26.50
181.	Public Information Officer.....	\$ 9.66	\$ 20.71
182.	Quality Assurance Analyst.....	\$ 9.66	\$ 24.32
183.	Quality Control Coordinator.....	\$ 16.82	\$ 23.89
184.	Radio Dispatcher.....	\$ 17.33	\$ 18.66
185.	Radio Technician.....	\$ 16.38	\$ 18.66
186.	Receptionist.....	\$ 9.66	\$ 13.86
187.	Records Manager.....	\$ 9.84	\$ 14.53
188.	Recreation Aide.....	\$ 9.66	\$ 9.69
189.	Recreation Instructor.....	\$ 9.66	\$ 14.54
190.	Recreation Instructor I.....	\$ 9.66	\$ 15.49
191.	Recreation Instructor II.....	\$ 9.66	\$ 16.09
192.	Recreation Instructor III.....	\$ 9.66	\$ 17.02
193.	Recreation Program Supervisor.....	\$ 9.66	\$ 15.82
194.	Redevelopment Advisor.....	\$ 9.66	\$ 21.83
195.	Redevelopment Coordinator.....	\$ 9.66	\$ 24.33
196.	Refrigeration Inspector.....	\$ 14.26	\$ 20.02
197.	Refugee Outreach Worker.....	\$ 9.66	\$ 13.53
198.	Registered Animal Health Technician.....	\$ 9.66	\$ 14.54

199.	Rehabilitation Advisor.....	\$ 9.66	\$ 18.83
200.	Rehabilitation Inspector.....	\$ 14.60	\$ 24.33
201.	Sanitarian Aide.....	\$ 11.62	\$ 14.11
202.	Second Press Operator.....	\$ 10.00	\$ 17.68
203.	Secretary.....	\$ 9.66	\$ 15.71
204.	Secretary to Director of Consumer Affairs.....	\$ 9.66	\$ 25.63
205.	Senior Assistant Architect.....	\$ 9.66	\$ 21.83
206.	Senior Assistant City Planner.....	\$ 9.66	\$ 21.83
207.	Senior Assistant Civil Engineer.....	\$ 9.66	\$ 21.83
208.	Senior Assistant Electrical Engineer.....	\$ 9.66	\$ 21.83
209.	Senior Assistant Mechanical Engineer.....	\$ 9.66	\$ 21.83
210.	Senior Assistant Traffic Engineer.....	\$ 9.66	\$ 21.83
211.	Senior Bacteriologist.....	\$ 9.66	\$ 18.83
212.	Senior Cashier.....	\$ 9.66	\$ 17.95
213.	Senior Chemist.....	\$ 9.66	\$ 20.71
214.	Senior Clerk.....	\$ 10.29	\$ 14.74
215.	Senior Computer Operator.....	\$ 9.66	\$ 24.33
216.	Senior Contract and Monitoring Specialist.....	\$ 11.34	\$ 25.79
217.	Senior Data Conversion Operator.....	\$ 10.80	\$ 16.38
218.	Senior Development Officer.....	\$ 12.63	\$ 31.91
219.	Senior Draftsman.....	\$ 9.66	\$ 17.61
220.	Senior Engineering Draftsman and Photographer.....	\$ 9.66	\$ 19.69
221.	Senior Information Control Analyst.....	\$ 9.66	\$ 20.71
222.	Senior Laboratory Technician.....	\$ 10.86	\$ 16.02
223.	Senior Landscape Architect.....	\$ 9.73	\$ 27.13
224.	Senior Site Inspector - Demolition.....	\$ 9.66	\$ 23.07
225.	Sewer Service Man.....	\$ 14.99	\$ 17.12
226.	Site Inspector.....	\$ 9.66	\$ 20.71
227.	Social Worker for Homeless.....	\$ 13.82	\$ 20.37
228.	Starter (Golf).....	\$ 9.66	\$ 12.04
229.	S.T.D. Clerk.....	\$ 9.66	\$ 11.63
230.	Stenographer I.....	\$ 9.77	\$ 13.21
231.	Stenographer II.....	\$ 10.77	\$ 14.74
232.	Stenographer III.....	\$ 9.66	\$ 16.37
233.	Stock Clerk.....	\$ 9.66	\$ 16.19
234.	Storekeeper.....	\$ 9.66	\$ 18.44
235.	Street Obstruction Inspector.....	\$ 9.66	\$ 17.14
236.	Surveyor.....	\$ 9.66	\$ 24.33
237.	Tax Auditor I.....	\$ 10.60	\$ 16.66
238.	Tax Auditor II.....	\$ 12.41	\$ 18.42
239.	Technical Specialist.....	\$ 9.66	\$ 20.71
240.	Technical Specifications Writer.....	\$ 9.66	\$ 21.84
241.	Telephone Operator.....	\$ 9.66	\$ 15.08
242.	Telephone Supervisor.....	\$ 9.66	\$ 15.71
243.	Timekeeper.....	\$ 9.66	\$ 15.71
244.	Traffic Engineer.....	\$ 9.66	\$ 25.63
245.	Traffic Sign and Marking Technician.....	\$ 13.68	\$ 15.71
246.	Typist.....	\$ 9.92	\$ 13.68
247.	Urban Planning and Development Technician.....	\$ 9.66	\$ 13.68
248.	Utility Adjuster.....	\$ 10.64	\$ 14.74
249.	Vector Control Assistant.....	\$ 9.66	\$ 13.11
250.	Veteran's Counselor.....	\$ 9.66	\$ 17.83
251.	Water Hydraulic Repairman.....	\$ 14.99	\$ 17.12
252.	Water Meter Repairman.....	\$ 14.99	\$ 17.12
253.	Water Pipe Repairman.....	\$ 13.58	\$ 17.12
254.	Water Serviceman.....	\$ 9.66	\$ 14.62
255.	Water System Construction Inspector.....	\$ 15.67	\$ 21.39

Section 9. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Guard.....	\$ 9.66	\$ 15.45
2. Correctional Officer.....	\$ 12.18	\$ 15.45
3. Institutional Guard.....	\$ 12.18	\$ 15.45

Section 10. 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. Bilingual Communication Specialist.....	\$22,882.82	\$ 34,512.20
2. Police Radio Dispatcher.....	\$22,885.90	\$ 37,787.92
3. Police Safety Aide.....	\$20,092.80	\$ 26,902.62
4. Safety Telephone Operator.....	\$21,266.04	\$ 29,218.77

Section 12. 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. Building Stationary Engineer.....	\$ 10.14	\$ 17.98
2. Chief Building Stationary Engineer.....	\$ 12.37	\$ 19.23
3. Chief Stationary Engineer.....	\$ 9.66	\$ 20.43
4. Stationary Boiler Room Operator.....	\$ 12.29	\$ 18.65
5. Water Plant Operator I.....	\$ 15.70	\$ 19.69
6. Water Plant Operator II.....	\$ 17.73	\$ 21.09

Section 18. 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. Bridge Attendant.....	\$ 9.66	\$14.38
2. Electric Bridge Operator.....	\$ 9.66	\$17.36

Section 20. 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. Assistant Chief Plumbing Inspector.....	\$31,747.58	\$ 45,442.08
2. Assistant Plumbing Inspector.....	\$20,092.80	\$ 37,301.04
3. Community Development Code Enforcement Inspector/Plumbing I.....	\$ 14.83	\$ 21.84
4. Community Development Code Enforcement Inspector/Plumbing II.....	\$ 15.66	\$ 23.08
5. Community Development Code Enforcement Inspector/Plumbing III.....	\$ 16.49	\$ 24.32
6. Plumbing Inspector.....	\$30,094.45	\$ 43,075.91

Section 22. 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. Nurse II.....	\$20,092.80	\$ 44,901.68
2. Public Health Nurse.....	\$20,092.80	\$ 44,901.68
3. Public Health Nurse I.....	\$23,146.64	\$ 43,718.64
4. Public Health Nurse II.....	\$35,887.06	\$ 42,222.94
5. Public Health Nurse III.....	\$39,098.75	\$ 46,599.60
6. Public Health Nurse IV.....	\$28,151.33	\$ 50,854.66
7. Public Health Nurse V.....	\$30,653.67	\$ 55,907.66
8. Public Health Nurse VI.....	\$35,658.35	\$ 64,619.87
9. Supervising Public Health Nurse.....	\$23,647.11	\$ 49,007.97

Section 27. That the 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. Budget Analyst.....	\$20,092.80	\$ 48,027.87
2. Buyer.....	\$20,092.80	\$ 43,909.55
3. Civil Service Examiner I.....	\$20,092.80	\$ 36,813.77
4. Civil Service Examiner II.....	\$20,092.80	\$ 39,592.43
5. Civil Service Examiner III.....	\$20,092.80	\$ 45,446.40
6. Civil Service Examiner IV.....	\$23,606.98	\$ 56,401.29
7. Court Stenographer.....	\$20,092.80	\$ 36,888.49
8. Docket Clerk.....	\$20,092.80	\$ 32,909.27
9. Junior Personnel Assistant.....	\$20,092.80	\$ 35,666.32
10. Law Librarian.....	\$20,092.80	\$ 35,563.14
11. Legal Secretary.....	\$20,092.80	\$ 41,600.00
12. Misdemeanor Investigator.....	\$20,092.80	\$ 43,069.31
13. Office Manager.....	\$20,092.80	\$ 35,285.27
14. Parking Enforcement Analyst.....	\$20,092.80	\$ 40,374.78
15. Paralegal.....	\$20,092.80	\$ 39,592.55
16. Personnel Assistant.....	\$20,092.80	\$ 40,978.30
17. Private Secretary to Director.....	\$20,092.80	\$ 43,079.73
18. Senior Personnel Assistant.....	\$20,092.80	\$ 45,446.40
19. Tape Librarian.....	\$20,092.80	\$ 37,785.73

Section 28. That the 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. Administrative Officer	\$20,092.80	\$ 48,000.35
2. Cable Protection Specialist	\$20,092.80	\$ 34,916.09
3. Case Worker Supervisor.....	\$20,092.80	\$ 40,978.30
4. Chief Air Pollution Inspector	\$20,092.80	\$ 46,377.15
5. Chief Caseworker Supervisor.....	\$22,426.64	\$ 41,623.16
6. Chief Clerk.....	\$22,050.00	\$ 43,079.97
7. Chief Photographer.....	\$20,092.80	\$ 46,377.15
8. Reserved * moved to Section 14a on 8-11-04.....		
9. Chief Telephone Operator.....	\$20,092.80	\$ 45,337.31
10. Cocaine Treatment Supervisor.....	\$22,426.64	\$ 43,079.97
11. Composing Supervisor	\$20,092.80	\$ 39,592.55
12. Consumer Protection Supervisor	\$20,092.80	\$ 41,623.16
13. Custodial Worker Supervisor	\$20,092.80	\$ 38,287.94
14. Disease Surveillance Specialist	\$30,000.00	\$60,000.00
15. Epidemiologist.....	\$40,000.00	\$75,000.00
16. Personnel Analyst I.....	\$21,000.00	\$42,815.94
17. Safety Programs Officer I.....	\$25,000.00	\$60,000.00
18. Safety Programs Officer II.....	\$25,000.00	\$42,000.00
19. Secretary to Board of Examiner of Board of Review (Electrical)	\$20,092.80	\$36,043.06
20. Secretary - Boxing and Wrestling Commission.....	\$30,573.46	\$32,909.27
21. Superintendent of Maintenance	\$23,606.98	\$51,844.45
22. Superintendent of Street Cleaning	\$25,967.68	\$42,294.71
23. Superintendent of Waste Collection	\$29,508.73	\$51,844.45
24. Supervisor of Income Tax Files.....	\$20,092.80	\$36,043.06
25. Supervisor of Storeroom and Mailing	\$20,092.80	\$32,909.27

Section 29. That the 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. Airport Maintenance Supervisor.....	\$21,019.66	\$ 48,000.55
2. Assistant Chief Building Inspector	\$20,092.80	\$ 53,217.22
3. Assistant Chief Housing Inspector.....	\$20,092.80	\$ 46,375.87
4. Assistant Custodian	\$20,092.80	\$ 43,908.22
5. Assistant Superintendent of Electrical Generation.....	\$21,019.66	\$ 51,392.31
6. Bridge Inspector.....	\$20,092.80	\$ 37,785.85
7. Bureau Manager - Housing.....	\$26,797.11	\$ 74,429.85
8. Bureau Manager - Demolition.....	\$26,797.11	\$ 74,429.85
9. Bureau Manager - Building	\$26,797.11	\$ 74,429.85
10. Cable Production Manager.....	\$20,410.00	\$ 84,320.09
11. Chief Bridge Operator.....	\$20,092.80	\$ 45,445.01
12. Chief of Electric Meter Bureau	\$26,274.57	\$ 64,152.29
13. Chief Guard.....	\$20,092.80	\$ 37,578.00
14. Chief Safety Signal System	\$ 18.60	\$ 33.34
15. Chief Sidewalk Inspector.....	\$20,092.80	\$ 41,626.61
16. Chief Street Permit Inspector.....	\$20,092.80	\$ 39,592.55
17. Chief of Traffic Signal Unit	\$ 18.60	\$ 33.34
18. Community Development Code Enforcement Inspector Supervisor	\$34,464.91	\$ 51,515.32
19. Coordinator of Parking Enforcement	\$20,092.80	\$ 47,438.90
20. Correctional Supervisor.....	\$20,092.80	\$ 46,377.15
21. District Forester.....	\$31,043.38	\$ 52,860.45
22. Electric Bridge Operator Leader	\$ 9.66	\$ 17.52
23. Environmental Assistant.....	\$20,092.80	\$ 46,377.15
24. Field Operations Forester.....	\$32,445.00	\$ 54,857.18
25. General Superintendent of Waste Collection.....	\$30,473.96	\$ 57,774.00
26. House Sergeant.....	\$20,092.80	\$ 33,195.83
27. Instrumentation Supervisor.....	\$29,200.50	\$ 60,840.00
28. Parking Meter Foreman.....	\$24,679.38	\$ 37,354.24
29. Printing Foreman	\$28,404.92	\$ 47,197.05
30. Supervisor of Landscape Construction	\$20,092.80	\$ 42,294.71
31. Supervisor of Parking Enforcement Unit	\$20,092.80	\$ 36,844.64
32. Supervisor of Markets.....	\$20,092.80	\$ 40,978.30
33. Supervisor of Weights and Measures	\$20,092.80	\$ 39,592.55
34. Survey Party Chief	\$20,092.80	\$ 51,030.05
35. Tunnel Maintenance Foreman	\$20,092.80	\$ 34,603.01
36. Tunnel Maintenance Man	\$20,092.80	\$ 31,593.60

Section 30. That the 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. Accountant IV.....	\$20,092.80	\$ 53,834.24
2. Airport Operations Agent III.....	\$20,092.80	\$ 50,543.24
3. Assistant Bureau Chief-Demolition.....	\$20,092.80	\$ 48,834.05
4. Assistant Financial Systems Coordinator.....	\$20,092.80	\$ 48,834.05
5. Assistant Personnel Administrator.....	\$20,092.80	\$ 50,543.24
6. Assistant Water Plant Manager.....	\$ 9.66	\$ 30.00
7. Assistant Water Plant Manager - Parma.....	\$ 9.66	\$ 30.00
8. Budget and Management Analyst.....	\$20,092.80	\$ 50,543.24
9. Chief Dog Warden.....	\$20,092.80	\$ 74,360.00
10. Labor Relations Assistant.....	\$20,092.80	\$ 48,834.05
11. Rehabilitation Supervisor.....	\$20,092.80	\$ 48,834.05
12. Superintendent of Sewer Maintenance.....	\$20,092.80	\$ 67,600.00
13. Supervisor of Architectural Construction.....	\$20,092.80	\$ 50,563.90
14. Supervisor of Personnel Records.....	\$20,092.80	\$ 48,834.05
15. Supervisor of Site Development.....	\$20,092.80	\$ 48,834.05
16. Supervisor of Vital Statistics.....	\$20,092.80	\$ 50,543.24
17. Systems Analyst.....	\$20,092.80	\$ 56,000.00
18. Water System Construction Inspector Supervisor.....	\$20,092.80	\$ 56,680.00

Section 31. That the 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. Airport Maintenance Superintendent.....	\$20,092.80	\$ 57,200.00
2. Assistant Commissioner of Recreation.....	\$20,092.80	\$ 65,005.39
3. Assistant Contract Compliance Officer.....	\$20,092.80	\$ 51,504.26
4. Assistant Director of Public Health Nurses.....	\$20,092.80	\$ 51,504.26
5. Assistant Income Tax.....	\$20,092.80	\$ 51,504.26
6. Assistant Manager of Audit Control and Personnel.....	\$20,092.80	\$ 53,306.92
7. Assistant Manager of Recreation.....	\$20,092.80	\$ 51,504.26
8. Assistant Superintendent of Pumping.....	\$20,092.80	\$ 51,504.26
9. Assistant Superintendent of Purification.....	\$20,092.80	\$ 51,504.26
10. Auditor.....	\$20,092.80	\$ 53,306.92
11. Chief Alcoholism Coordinating Service.....	\$20,092.80	\$ 51,504.26
12. Chief of the Demolition Bureau.....	\$20,092.80	\$ 51,504.26
13. Chief Plan Examiner.....	\$20,092.80	\$ 53,306.92
14. City Planner.....	\$30,000.00	\$ 55,000.00
15. Deputy Commissioner of Recreation-Fiscal Control.....	\$20,092.80	\$ 65,005.39
16. Deputy Project Director.....	\$20,092.80	\$ 56,929.60
17. Desktop Publishing Specialist.....	\$20,231.40	\$ 52,651.21
18. District Supervisor - Environmental Health.....	\$20,092.80	\$ 55,000.00
19. Emergency Medical Technician Supervisor.....	\$20,092.80	\$ 53,306.92
20. Income Tax Supervisor.....	\$20,092.80	\$ 51,504.26
21. Office of Professional Standards - Investigative Auditor.....	\$20,092.80	\$ 51,504.26
22. Office of Professional Standards - Standards Research/Analyst.....	\$20,092.80	\$ 51,504.26
23. Project Program Director of Consumer Affairs.....	\$20,092.80	\$ 51,504.26
24. Recreation Center Manager.....	\$32,500.00	\$ 65,005.39
25. Superintendent of Light Equipment Maintenance.....	\$20,092.80	\$ 51,504.26
26. Superintendent of Vehicle Administrative Services.....	\$20,092.80	\$ 64,150.91
27. Supervisor Administrative Services-Data Processing Center.....	\$20,092.80	\$ 51,504.26
28. Supervisor of Milk Program.....	\$20,092.80	\$ 51,504.26
29. Supervisor of Vector Control.....	\$20,092.80	\$ 51,504.26
30. Welfare Liaison.....	\$20,092.80	\$ 51,504.26

Section 40. That the 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. Application Delivery Services Manager.....	\$65,000.00	\$ 88,400.00
2. Customer Support Center Manager.....	\$65,000.00	\$ 88,400.00
3. Database Administrator.....	\$39,937.34	\$ 99,469.60
4. Database Coordinator.....	\$30,214.00	\$ 73,493.68
5. Help Desk Analyst.....	\$25,000.00	\$ 46,800.00
6. Information Technology Electronic Data Processing Auditor.....	\$35,000.00	\$ 72,800.00
7. Information Technology Security Officer.....	\$30,215.00	\$ 73,206.64
8. IT Asset Management Analyst.....	\$25,000.00	\$ 46,800.00
9. IT Asset Management Coordinator.....	\$22,333.00	\$ 70,274.88
10. IT Network and Data Center Operations Manager.....	\$55,000.00	\$ 87,426.00
11. IT Project Manager I.....	\$20,092.80	\$ 55,004.56
12. IT Project Manager II.....	\$22,333.00	\$ 72,354.88

13.	IT Quality Assurance and Control Analyst.....	\$20,092.80	\$ 55,004.56
14.	IT Telecommunications Analyst I.....	\$30,214.00	\$ 65,173.68
15.	IT Telecommunications Analyst II.....	\$30,214.00	\$ 80,773.68
16.	IT Telecommunications Technician II.....	\$44,803.00	\$ 66,842.88
17.	IT Training Analyst.....	\$38,000.00	\$ 57,200.00
18.	IT Training Coordinator.....	\$38,000.00	\$ 67,200.00
19.	Network Analyst I.....	\$30,214.00	\$ 65,173.68
20.	Network Analyst II.....	\$30,214.00	\$ 81,773.68
21.	PC Technician.....	\$25,000.00	\$ 45,000.00
22.	Program Manager.....	\$30,214.00	\$ 75,769.20
23.	Supervisor Applications Development.....	\$39,937.34	\$ 78,810.44
24.	Supervisor of Systems and Technical Support.....	\$55,000.00	\$ 78,000.00
25.	Supervisor Quality Assurance.....	\$39,937.34	\$ 78,810.44
26.	Supervisor Software Support.....	\$39,937.34	\$ 78,810.44
27.	Web Content Editor.....	\$20,092.80	\$ 55,004.56
28.	Web Developer.....	\$30,215.00	\$ 75,769.20
29.	Web Master.....	\$30,215.00	\$ 90,923.04

Section 42. Part-Time/Seasonal Group

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. Box Office Cashier.....	\$ 10.33	\$ 15.49
2. Chaplain.....	\$ 9.66	\$ 11.48
3. Checker.....	\$ 9.66	\$ 9.66
4. Conservation Aide.....	\$ 9.66	\$ 9.66
5. Dentist.....	\$ 13.38	\$ 28.58
6. Head Usher.....	\$ 9.66	\$ 11.35
7. Law Clerk.....	\$ 9.66	\$ 12.48
8. Medical Examiner.....	\$ 21.40	\$ 58.61
9. Organ Tuner.....	\$ 9.66	\$ 25.07
10. Park Maintenance Aide.....	\$ 9.66	\$ 9.20
11. Ranger.....	\$ 9.66	\$ 11.20
12. School Crossing Guard (Per Day).....	\$ 20.50	\$ 26.00
13. Section Supervisor.....	\$ 9.66	\$ 9.66
14. Snow Removal Vehicle Operator.....	\$ 10.40	\$ 15.04
15. Stage Hand.....	\$ 19.11	\$ 27.34
16. Stage Hand Casual.....	\$ 20.60	\$ 27.00
17. Stage Hand - Show Rate (Per Show).....	\$ 64.89	\$ 88.75
18. Student Aide.....	\$ 9.66	\$ 9.66
19. Student Assistant.....	\$ 9.66	\$ 9.66
20. Usher.....	\$ 9.66	\$ 9.66
21. Usher Captain.....	\$ 9.66	\$ 9.66

Section 46. Municipal Court Employees

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. Associate Director.....	\$37,783.00	\$ 73,287.14
2. Bailiff.....	\$36,085.00	\$ 65,779.39
3. Chief Deputy Bailiff.....	\$37,569.00	\$ 75,272.41
4. Chief Magistrate.....	\$48,620.00	\$ 84,240.00
5. Chief Probation Officer.....	\$50,395.00	\$ 92,560.00
6. Clinical Director.....	\$37,783.00	\$ 79,040.00
7. Deputy Bailiff.....	\$21,424.00	\$ 51,247.40
8. Deputy Bailiff Administrative Assistant - Finance.....	\$39,173.00	\$ 62,655.52
9. Deputy Bailiff Administrative Assistant - Operations.....	\$39,173.00	\$ 62,655.52
10. Deputy Bailiff Assistant Director of Data Processing.....	\$22,223.00	\$ 60,320.00
11. Deputy Bailiff Assistant Jury Commissioner.....	\$21,907.00	\$ 53,759.65
12. Deputy Bailiff Central Scheduling Director.....	\$41,755.17	\$ 75,300.26
13. Deputy Bailiff Chief Court Reporter.....	\$41,755.00	\$ 70,816.12
14. Deputy Bailiff Clerk Typist.....	\$20,092.80	\$ 41,420.08
15. Deputy Bailiff - Court Administrator.....	\$62,624.00	\$ 91,354.07
16. Deputy Bailiff - Court Reporter.....	\$22,914.00	\$ 54,828.04
17. Deputy Bailiff Data Processor.....	\$21,100.00	\$ 55,120.00
18. Deputy Bailiff Deputy Court Administrator.....	\$45,486.00	\$ 78,526.24
19. Deputy Bailiff/Deputy Court Administrator Chief Information Officer.....	\$45,486.00	\$ 91,354.07
20. Deputy Bailiff Deputy Chief Court Reporter.....	\$22,923.00	\$ 56,457.93
21. Deputy Bailiff Director of Data Processing.....	\$58,349.00	\$ 95,680.00
22. Deputy Bailiff Finance Officer.....	\$39,173.00	\$ 62,655.52
23. Deputy Bailiff General.....	\$21,424.00	\$ 54,589.63
24. Deputy Bailiff Jury Commissioner.....	\$37,783.00	\$ 64,450.30
25. Deputy Bailiff Law Clerk.....	\$21,250.00	\$ 47,920.78
26. Deputy Chief Magistrate.....	\$40,752.00	\$ 75,920.00
27. Deputy Bailiff - Office Manager.....	\$39,827.00	\$ 74,961.59
28. Deputy Bailiff Private Secretary.....	\$20,112.00	\$ 38,480.00
29. Deputy Bailiff Public Information Officer.....	\$38,417.60	\$ 47,840.00

30.	Deputy Bailiff Scheduler I.....	\$22,284.00	\$ 48,171.45
31.	Deputy Bailiff Session Room Supervisor.....	\$22,284.00	\$ 53,774.13
32.	Deputy Bailiff - Special Projects Officer.....	\$30,000.00	\$ 63,502.22
33.	Deputy Bailiff Supervisor.....	\$41,368.00	\$ 65,779.39
34.	Deputy Bailiff Systems Analyst.....	\$35,000.00	\$ 61,274.08
35.	Deputy Bailiff Training Officer.....	\$31,000.00	\$ 63,502.22
36.	Deputy Chief Probation Officer.....	\$42,318.00	\$ 72,559.64
37.	Immobilization Officer.....	\$15.60 per hour	\$26.57 per hour
38.	Magistrate.....	\$40,752.00	\$ 71,897.88
39.	Municipal Court Psychologist.....	\$47.74 per hour	\$100.27 per hour
40.	Personal Bailiff.....	\$43,285.00	\$ 65,520.00
41.	Probation Officer General.....	\$28,585.00	\$ 57,200.00
42.	Probation Officer Supervisor.....	\$48,616.00	\$ 73,096.61
43.	Psychiatric Case Worker.....	\$21,681.00	\$ 57,200.00
44.	Psychiatric Social Worker.....	\$21,907.00	\$ 57,200.00
45.	Psychologist II.....	\$60.00 per hour	\$93.58 per hour
46.	Small Claims Magistrate.....	\$20,687.00	\$ 54,060.45
47.	Student Aide.....	\$ 9.20	\$ 9.20
48.	Traffic Court Magistrate.....	\$40,752.00	\$ 74,880.00
49.	Chief Housing Court Specialist.....	\$52,158.83	\$ 81,283.96
50.	Housing Court Administrative Assistant.....	\$23,063.94	\$ 48,171.45
51.	Housing Court Administrator.....	\$64,815.84	\$ 91,354.07
52.	Housing Court ADR Specialist.....	\$31,050.00	\$ 63,520.00
53.	Housing Court Chief Bailiff.....	\$38,883.92	\$ 75,272.41
54.	Housing Court Chief Magistrate.....	\$50,321.70	\$ 86,665.96
55.	Housing Court Coordinator.....	\$23,063.94	\$ 48,171.45
56.	Housing Court Court Reporter.....	\$23,715.99	\$ 54,828.04
57.	Housing Court Deputy Bailiff.....	\$22,173.84	\$ 51,247.40
58.	Housing Court Deputy Bailiff - Uniformed.....	\$22,173.84	\$ 51,247.40
59.	Housing Court Deputy Bailiff Supervisor.....	\$42,815.88	\$ 65,779.39
60.	Housing Court Deputy Bailiff/Finance Officer.....	\$38,544.06	\$ 62,655.52
61.	Housing Court Deputy Bailiff/Judicial Clerk.....	\$21,993.75	\$ 47,920.78
62.	Housing Court Deputy Bailiff/Staff Attorney.....	\$29,585.48	\$ 55,040.40
63.	Housing Court Magistrate.....	\$42,178.32	\$ 79,189.76
64.	Housing Court Magistrates' Personal Bailiff.....	\$23,063.94	\$ 48,171.45
65.	Housing Court Personal Bailiff.....	\$44,799.98	\$ 66,769.09
66.	Housing Court Project Coordinator.....	\$31,050.00	\$ 63,520.22
67.	Housing Court Receptionist.....	\$19,136.00	\$ 31,983.31
68.	Housing Court Scheduler.....	\$23,063.94	\$ 48,171.45
69.	Housing Court Secretary.....	\$20,815.92	\$334,046.11
70.	Housing Court Specialist.....	\$29,585.48	\$ 55,246.40
71.	Housing Court Specialist - Mediation Coordinator.....	\$29,585.48	\$ 55,406.40
72.	Housing Court Student Aide.....	\$7.00 per hour	\$9.20 per hour

Section 52. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum	
1.	Battalion Chief.....	\$72,039.84	\$ 75,441.43
2	Captain.....	\$62,034.36	\$ 65,035.73
3	Lieutenant.....	\$53,408.93	\$ 56,065.29
4	Firefighter - Journeyman.....	\$45,973.21	\$ 48,332.14
5	Apprentice - Medic III.....	\$41,881.79	\$ 43,557.06
6	Apprentice - Medic II.....	\$41,381.79	\$ 43,557.06
7	Apprentice - Medic I.....	\$40,381.79	\$ 41,997.06
8	Trainee.....	\$ 9.66	\$ 9.66

Section 2. That the existing sections of Ordinance No. 384-03, passed March 10, 2003, Sections 4 and 7, as amended by Ordinance No. 1801-03, passed October 13, 2003, Section 8, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003, Sections 9, 10, 12, 13, 14, and 22, as amended by Ordinance No. 1801-03, passed October 13, 2003, Section 27, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003, Section 28, as amended by Ordinance No. 1505-04, passed August 11, 2004, Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003, Sections 29 and 30, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 605-03, passed June 10, 2003, Sections 31 and 40, as amended by Ordinance No. 605-03, passed June 10, 2003, Section 42, as amended by Ordinance No. 2096-03, passed October 27, 2003, and Ordinance No. 1801-03, passed October 13, 2003, Section 46, as amended by Ordinance No. 605-03, passed June 10, 2003, and Section 52, are repealed.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1851-04.**By Council Member Britt.**

An emergency ordinance consenting and approving the issuance of a permit for the Juno Jog 5K Run/Walk, on October 16, 2004, scheduled by Hermes Sports and 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 Juno Jog 5K Run/Walk, scheduled by Hermes Sports and Events on October 16, 2004, with the Race beginning at East 89th & Euclid, East 89 to Chester, Chester to East 90th 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 and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1857-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into all contracts and related documents with Fairfax Renaissance Development Corporation, Glenville Development Corporation, and Midtown Cleveland, for implementation of the Empowerment Zone Program, as amended; and to expend Economic Development Initiative Grant funds for the administration of the Empowerment Zone Program, as amended.

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 and execute all contracts and all necessary documents with Fairfax Renaissance Development Corporation, Glenville Development Corporation, and Midtown Cleveland or their designees, for the purpose of implementing the Empowerment Zone Program, as amended.

Section 2. That the Director of Economic Development is authorized to expend Economic Development Initiative Grant funds for administration of the Program.

Section 3. That the aggregate cost of the contracts and expenditures authorized by this ordinance shall not exceed \$660,000, and shall be paid from Fund No. 18 SF 006, Request No. 126229.

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 October 4, 2004.

Effective October 5, 2004.

Ord. No. 1858-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for The Diabetes Association of Greater Cleveland Race, on October 23, 2004, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The Diabetes Association of Greater Cleveland Race, scheduled by Hermes Sports & Events on October 23, 2004, with the Race beginning at Terminal Loop & Ontario to Superior, Superior to West 25th, turn around and return the same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1859-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for 23rd Annual Turkey Trot, on November 25, 2004, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of 23rd Annual Turkey

Trot, scheduled by Hermes Sports & Events on November 25, 2004, with the Race beginning at Lakeside and West 3rd, West 3rd to St. Clair, St. Clair to East 9th, East 9th to South Marginal, South Marginal to East 26th, East 26th to North Marginal, North Marginal to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to West 6th, West 6th to St. Clair, St. Clair to West 3rd, West 3rd to Lakeside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1860-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Race for the Cure, on October 9, 2004, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Race for the Cure, scheduled by Hermes Sports & Events on October 9, 2004, with the Walk beginning at East 9th & Erieside, East 9th to Lakeside, Lakeside to East 13th, East 13th to Huron Road, Huron Road to Prospect, Prospect to East Huron, East Huron to West Huron, West Huron to West 9th, West 9th to St. Clair, St. Clair to West 3rd, West 3rd to Erieside, Erieside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 4, 2004.

Effective October 5, 2004.

Ord. No. 1861-04.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 13th Annual America's Walk for Diabetes, on October 2, 2004, scheduled by the American Diabetes Association.

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 13th Annual America's Walk for Diabetes, scheduled by the American Diabetes Association on October 2, 2004, with the Race beginning at Amphitheater to Canal Road, left on Canal Road to Robert Lockwood Jr. St., right on RL Jr. St. to St. Clair, right on St. Clair to Ontario, right on Ontario through Public Square to Huron, left on Huron (large intersection); rest stop 1 at Gund Arena at Huron & Ontario; Huron to East 9th, left on East 9th to Superior, left on Superior; rest stop 2 at Hyatt Regency, Superior; Superior to West 9th, right on West 9th to St. Clair, left on St. Clair to West 10th, left on West 10th to Canal Road, left on Canal Road (no road sign-by City Sign Garden Sign), to Tower City Amphitheater, right on ramp to TCA, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 4, 2004.
 Effective October 5, 2004.

Ord. No. 1862-04.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Bench Bar Halloween Run, on October 23, 2004, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Bench Bar Halloween Run, scheduled by Hermes Sports & Events on October 23, 2004, with the Run beginning at Ontario & Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside across East 9th to Aviation High School, turn around and 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.

Passed October 4, 2004.
 Effective October 5, 2004.

Ord. No. 1867-04.
By Council Members Gordon and O'Malley.

An emergency ordinance authorizing the Director of Community Development to enter into grant agreement with Old Brooklyn Neighborhood Services, Inc. for their Old Brooklyn Residential Safety & Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 15 and 16 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into grant agreement with Old Brooklyn Neighborhood Services, Inc. for their Old Brooklyn Residential Safety & Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 15 and 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$58,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 4, 2004.
 Effective October 5, 2004.

Ord. No. 1871-04.
By Council Member Johnson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Betty and Howard Lloyd, III.)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights

of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 4: Betty and Howard Lloyd, III.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 October 4, 2004.
 Effective October 5, 2004.

COUNCIL COMMITTEE
MEETINGS

Monday, October 11, 2004
11:00 a.m.

Public Service Committee: Present in Service: Sweeney, Chair; Polensek, O'Malley, Zone, Cimperman, Brady, Johnson. *Authorized Absence:* Jones, Vice Chair; White.

1:30 p.m.

Legislation Committee & Finance Committee: Present in Legislation: Pierce Scott, Vice Chair; Dolan, Gordon, Westbrook. *Authorized Absence:* White, Chair; Johnson, Rybka. Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, Britt, White.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Britt.

Tuesday, October 12, 2004
1:30 p.m.

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Reed, Zone. *Authorized Absence:* Jones, Pierce Scott, Lewis.

Wednesday, October 13, 2004
10:00 p.m.

Aviation and Transportation Committee: Present in Aviation: Westbrook, Chair; Sweeney, Vice Chair; Dolan, Gordon, Reed, Rybka. *Authorized Absence:* Britt.

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O—Ordinance; R—Resolution; F—File
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Animal trapping — contract per Ord. 937-04 to Danielle’s Services, Inc., d.b.a., Critter
 Control of Cleveland — Division of Environment (BOC Res. 570-04) 1972
 Snowplowing and salting at health centers — contract per Ord. 419-04 to YardMaster Inc. —
 Division of Health (BOC Res. 569-04) 1972

Board of Control — Public Improvement Contracts

Clark Field Dog Park site improvements — contract per Ord. 2151-03 to Artistic Systems,
 Inc. — Division of Research, Planning and Development, Dept. of Parks, Recreation
 and Properties (BOC Res. 571-04) 1973
 Humphrey Park site improvements — contract per Ord. 1114-03, 2151-03 to F. Buddie
 Contracting, Ltd. — Division of Research, Planning and Development, Dept. of Parks,
 Recreation and Properties (BOC Res. 574-04) 1973
 R.J. Taylor Park site improvements — contract per Ord. 1114-03, 2151-03 to R. DiLillo &
 Company — Division of Research, Planning and Development, Dept. of Parks, Recreation
 and Properties (BOC Res. 573-04) 1973

Board of Control — Public Service Department

Deicer, liquid — contract per Ord. 769-04 to Cargill Incorporated — Deicing Technology —
 Division of Streets (BOC Res. 568-04) 1972

Board of Control — Public Utilities Department

Electric test equipment, training and repair of test equipment — per Ord. 247-04 — all
 bids rejected — Division of Cleveland Public Power (BOC Res. 567-04) 1972

Board of Control — Requirement Contracts

Animal trapping — contract per Ord. 937-04 to Danielle’s Services, Inc., d.b.a., Critter
 Control of Cleveland — Division of Environment, Dept. of Public Health (BOC Res. 570-04) 1972
 Deicer, liquid — contract per Ord. 769-04 to Cargill Incorporated — Deicing Technology —
 Division of Streets, Dept. of Public Service (BOC Res. 568-04) 1972
 Messenger services — contract per Ord. 909-04 to Priority Dispatch, Inc. — Dept. of
 Finance (BOC Res. 566-04) 1972
 Snowplowing and salting at health centers — contract per Ord. 419-04 to YardMaster Inc. —
 Division of Health, Dept. of Public Health (BOC Res. 569-04) 1972

Board of Control — Research, Planning and Development Division

Clark Field Dog Park site improvements — contract per Ord. 2151-03 to Artistic Systems,
 Inc. — Dept. of Parks, Recreation and Properties (BOC Res. 571-04) 1973
 Humphrey Park site improvements — contract per Ord. 1114-03, 2151-03 to F. Buddie
 Contracting, Ltd. — Dept. of Parks, Recreation and Properties (BOC Res. 574-04) 1973
 R.J. Taylor Park site improvements — contract per Ord. 1114-03, 2151-03 to R. DiLillo &
 Company — Dept. of Parks, Recreation and Properties (BOC Res. 573-04) 1973

Board of Control — Streets Division

Deicer, liquid — contract per Ord. 769-04 to Cargill Incorporated — Deicing Technology —
 Dept. of Public Service (BOC Res. 568-04) 1972

Board of Zoning Appeals — Report

Buckeye Road, 11920, (Ward 4) — Mattie and Joe Hemphill, d.b.a., Little Rascals Day Care
 Center, owner — appeal postponed to 11/8/04 on 10/11/04 (Cal. 04-219) 1974
 Cardinal Avenue, 15020, (Ward 10) — Brett Greer, owner — appeal heard on 10/11/04
 (Cal. 04-216) 1974
 East 118th Street, 3549, (Ward 3) — Dessie Stevens, owner — appeal heard on 10/11/04
 (Cal. 04-218) 1974
 East 152nd Street, 720, (Ward 10) — Brett Greer, owner — appeal heard on 10/11/04
 (Cal. 04-215) 1974
 Fidelity Avenue, 11113, (Ward 19) — Cheryl Lusardo, owner — appeal heard on 10/11/04
 (Cal. 04-232) 1974
 Mohamed, Mahad — appeal denied and adopted on 10/11/04 (Cal. 04-140) 1974
 North Coast Payphones / ClevePhones, Inc., c/o Howard Meister, President — appeal
 denied and adopted on 10/11/04 (Cal. 04-160) 1974
 South Meadow Lane, 4400, (Ward 15) — Bill Graham, neighboring property owner —
 appeal heard on 10/11/04 (Cal. 04-236) 1974
 West 25th Street, 2487, (Ward 14) — George Sass, owner — appeal postponed to 11/8/04 on
 10/11/04 (Cal. 04-193) 1974
 West 52nd Street, 3193, (Ward 14) — Ijaz Qureshi, owner — appeal granted and adopted on
 10/11/04 (Cal. 04-217) 1974

Board of Zoning Appeals — Schedule

Miles Avenue, 11507, (Ward 2) — New Joshua Baptist Church, c/o Pastor Walter Humphrey, owner — appeal to be heard on 10/25/04 (Cal. 04-226) 1974

Ridge Road, 3789, (Ward 16) — Mike Weiss, d.b.a., A & C Auto, owner — appeal to be heard on 10/25/04 (Cal. 04-228) 1974

Ridge Road, 3805, (Ward 16) — Mike Weiss, d.b.a., A & C Auto, owner — appeal to be heard on 10/25/04 (Cal. 04-229) 1974

Ridge Road, 3819, (Ward 16) — Mike Weiss, d.b.a., A & C Auto, owner — appeal to be heard on 10/25/04 (Cal. 04-230) 1974

West 38th Street, 2225, (Ward 14) — Frank Torres, owner and Greenwood Builders, agent - appeal to be heard on 10/25/04 (Cal. 04-227) 1974

West 82nd Street, 3267, (Ward 17) — Irma Mitchell, owner — appeal to be heard on 10/25/04 (Cal. 04-234) 1974

Building and Housing Department

Powers and duties of the Director of Building and Housing — amend Sec. 3103.01 — fund using unclaimed fire insurance proceeds — new Sec. 138.08 (O 951-04) 1966

Building Code

Penalties for misdemeanors, and penalties for zoning, housing, and building code violations — amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 (O 486-04) 1965

City of Cleveland Bids

Chemicals, neutralization — Department of Public Utilities — Division of Water — per C.O. Sec. 129.24 — bid due November 12, 2004 (advertised 10/13/2004 and 10/20/2004) 1977

Copiers, Group VI — Department of Finance — Division of Printing and Reproduction — per Ord. 1682-03 — bid due October 28, 2004 (advertised 10/13/2004 and 10/20/2004) 1977

Grayton Road rehabilitation (Puritas Ave. to I-480 bridge) — Department of Public Service - Division of Engineering and Construction — per Ord. 2334-03 — bid due October 21, 2004 (advertised 10/6/2004 and 10/13/2004) 1977

Lubricants — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 763-04 — bid due October 27, 2004 (advertised 10/6/2004 and 10/13/2004) 1977

Nottingham Backwash Clarifier Project No. 459 — Department of Public Utilities — Division of Water — per Ord. 834-04 — bid due November 12, 2004 (advertised 10/13/2004 and 10/20/2004) 1977

Paper and envelopes — Department of Finance — Division of Printing and Reproduction — per Ord. 1256-04 — bid due October 27, 2004 (advertised 10/6/2004 and 10/13/2004) 1977

Recreation Center improvements (Mayor's Warm Safe & Dry Initiative — Department of Public Service — Division of Architecture — per Ord. 1264-03 — bid due October 21, 2004 (advertised 10/6/2004 and 10/13/2004) 1977

Sewer test tee installation, inspection and repair — Department of Public Utilities - Division of Water Pollution Control — per C.O. Sec. 541.13 — bid due October 27, 2004 (advertised 10/13/2004 and 10/20/2004) 1977

Turnout clothing — Department of Public Safety — Division of Fire — per C.O. Sec. 135.06 - bid due October 27, 2004 (advertised 10/6/2004 and 10/13/2004) 1977

West 105th Street rehabilitation (Bellaire Road to Lorain Avenue) — Department of Public Service — Division of Engineering and Construction — per Ord. 1980-02, 2330-03 — bid due November 4, 2004 (advertised 10/13/2004 and 10/20/2004) 1977

City Planning Commission

Euclid St. Clair Development Corporation — feasibility study — promoting residential development — Ward 10 NEF (O 1985-04) 1963

W. 130th St. (west side) — from Sprecher Ave. to Crossburn Ave. change the zoning — Local Retail Business Use District (O 1525-04) 1980

W. 76th St., Goodwalt Ave. & W. 73rd St. (parcels bounded by) — Planned Unit Development Overlay District — change the Use, Area and Height District (O 1964-04) 1958

Cleveland Public Power

Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04) 1967

Emergency dispatch customer-based telephone communication system — purchase (O 1472-04) 1967

Codified Ordinances

Carnival operators — new Sections 687B.01 and 687B.02 (O 1983-04) 1958

Disposition of public monies — amend Section 178.02 (O 1660-04) 1968

Penalties for misdemeanors, and penalties for zoning, housing, and building code violations — amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 (O 486-04) 1965

Powers and duties of the Director of Building and Housing — amend Sec. 3103.01 — fund using unclaimed fire insurance proceeds — new Sec. 138.08 (O 951-04) 1966

Communications

Burten, Bell, Carr Development, Inc. — appreciation letter to Clerk of Council (F 1990-04) 1955

Local Initiatives Support Corporation — announcement letter (F 1988-04) 1955

Ohio Public Employees Retirement System — receipt letter for Resolution No. 195-03 (F 1989-04) 1955

John Carroll University — cancellation letter regarding Council tour to Dolan Center for Science and Technology (F 1991-04) 1955

Community Development

Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8 and 9 NEF (O 1971-04)	1961
Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 NEF (O 1969-04)	1960
Cleveland Church of Christ Economic Development, Inc. — Hamilton School Empowerment Program — Ward 3 NEF (O 1972-04)	1961
Commission on Catholic Community Action — Social Service Resource Inventory Program — Ward 17 NEF (O 1975-04)	1962
Corsica Ave. — Land Reutilization Program — Northeast Shores Development Corporation (O 1515-04)	1967
E. 70th St. — Land Reutilization Program — Mildred Jeffries (O 1281-04)	1966
E. 88th St. — Land Reutilization Program — Ora D. Gildersleeve (O 1284-04)	1980
E. 89th St. — Land Reutilization Program — Blessed Hope Missionary Baptist Church (O 1512-04)	1967
Fenwick Ave. — Land Reutilization Program — Stockyard Redevelopment Organization (O 1517-04)	1967
Ferris Ave. — Land Reutilization Program — Mildred Johnson (O 1292-04)	1966
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04)	1962
Forest Hills Parkway Empowerment Program — amend Ord. 584-04 — Ward 9 NEF (O 1968-04)	1960
Glenville Homes, III L.P. — Land Reutilization Program — scattered sites (Ward 8) (O 1775-04)	1982
Hough Homes, L.P. — Land Reutilization Program — scattered sites (Ward 9) (O 1789-04)	1985
Old Brooklyn Community Dev. Corp. — Lower Big Creek Greenway Redevelopment and Restoration Plan — Ward 15 NEF (O 1970-04)	1961
Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 NEF (O 1984-04)	1963
Old Brooklyn Neighborhood Services, Inc. — grant agreement — Old Brooklyn Residential Safety & Health program — Ward 15 & 16 NEF (O 1867-04)	1998
Russell Ave. — Land Reutilization Program — Yolanda Gilcrease (O 785-03)	1979
The Tom Evert Dance Company — Hispanic Cultural and Arts Program — Ward 17 NEF (O 1974-04)	1962
Thea Bowman Center — Mt. Pleasant Community Orchestra program — amend Ord. 1205-04 — Ward 3 NEF (O 1976-04)	1962
University Circle Place Apartments — 11309 Euclid Ave. — acquisition and rehabilitation — Community Development Block Grant Float Loan (O 1962-04)	1957
W. 48th St. — Land Reutilization Program — MGK Properties Ltd. (O 1518-04)	1968
Wetzel Ave., 3505 & Leopold Ave., 3702 — declare and sell blighted premises — Old Brooklyn Neighborhood Services, Inc. (O 1960-04)	1956

Condolences

Bell, Henry Lee (R 1998-04)	1956
Bouie, Elder Oliver D. (R 1997-04)	1956
Griffin Shaver, Frances (R 1999-04)	1956

Congratulations

Ambro, Sister Corita (R 2000-04)	1956
St. Jerome's Parish (R 2001-04)	1956

Contracts

Calcom Inc. — maintenance — existing security systems — Division of Water (O 1466-04)	1967
Continental Airlines, Inc. — Memorandum of Understanding — amendment to Contract No. 38171 (O 1961-04)	1956
Fairfax Renaissance Development Corporation, Glenville Development Corporation, and Midtown Cleveland — Empowerment Zone Program — Economic Development Initiative Grant funds — administration (O 1857-04)	1997
Flats Realty, LTD, a holding company for Cleveland Granite & Marble — amendment to Contract No. 53381 (O 1963-04)	1957
Information management systems — amend Ord. No. 1068-98 — as amended by Ord. No. 1565-02 (O 1172-04)	1968-T
Kolbus America, Inc. — acquisition of personal property, leasehold improvements — 812 Huron Rd. — relocate business (O 1493-04)	1967
Simplex Grinnell LP — maintenance — fire alarms and detection systems — Division of Water (O 1470-04)	1967
University Circle Place Apartments — 11309 Euclid Ave. — acquisition and rehabilitation — Community Development Block Grant Float Loan (O 1962-04)	1957

County Auditor

Advances — year 2005 (R 1773-04)	1978
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Criminal Justice Services

Team Approach to Violence Against Women Program — Law Enforcement, 2005 — grant — Criminal Justice Services Agency (O 857-04)	1965
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Cuyahoga Metropolitan Housing Authority

Police officers — agreement — enforce state and municipal laws beyond its own properties (O 1272-04) 1966

Economic Development Department

Fairfax Renaissance Development Corporation, Glenville Development Corporation, and Midtown Cleveland — Empowerment Zone Program — Economic Development Initiative Grant funds — administration (O 1857-04) 1997
Flats Realty, LTD, a holding company for Cleveland Granite & Marble — amendment to Contract No. 53381 (O 1963-04) 1957
Kolbus America, Inc. — contract — acquisition of personal property, leasehold improvements — 812 Huron Rd. — relocate business (O 1493-04)..... 1967
Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers Construction, Inc. — Option to Purchase Agreement (O 1304-04) 1966
Lee Cleaners — renovations — grant agreement — Ward 10 NEF (O 1986-04) 1963
Smith Funeral Home — renovations — grant agreement — Ward 10 NEF (O 1987-04)..... 1964
The Filter Factory, Inc. — Filter Factory Renovation Building Project — Ward 12 NEF (O 1973-04) 1961
West 176th Street, LLC — Kamms Shopping Plaza, LLC — Environmental Remediation Project — Ward 21 NEF (O 1979-04)..... 1963
Westside Industrial Retention and Expansion Network — Berea Road Business Redevelopment Plan — Ward 19 NEF (O 1967-04)..... 1960

Empowerment Zone

Fairfax Renaissance Development Corporation, Glenville Development Corporation, and Midtown Cleveland — Empowerment Zone Program — Economic Development Initiative Grant funds — administration (O 1857-04) 1997

Finance Department

County Auditor — advances — year 2005 (R 1773-04)..... 1978
Disposition of public monies — amend Section 178.02 (O 1660-04)..... 1968
Industrial paper products and cloth wipers — purchase — various divisions (O 1658-04) 1982
W. 117th St. — levy special assessments — construct an amenity strip — sidewalk and emplacing tree pockets — shade trees (O 1657-04) 1982

Glenville Development Corporation

Fairfax Renaissance Development Corporation, Glenville Development Corporation, and Midtown Cleveland — Empowerment Zone Program — Economic Development Initiative Grant funds — administration (O 1857-04) 1997

Grants

Gang Resistance Education and Training Program, 2004 — U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms (O 1488-04)..... 1967
Team Approach to Violence Against Women Program — Law Enforcement, 2005 — Criminal Justice Services Agency (O 857-04)..... 1965

Land Reutilization Program

Corsica Ave. — Northeast Shores Development Corporation (O 1515-04) 1967
E. 70th St. — Mildred Jeffries (O 1281-04) 1966
E. 88th St. — Ora D. Gildersleeve (O 1284-04)..... 1980
E. 89th St. — Blessed Hope Missionary Baptist Church (O 1512-04)..... 1967
Fenwick Ave. — Stockyard Redevelopment Organization (O 1517-04) 1967
Ferris Ave. — Mildred Johnson (O 1292-04) 1966
Glenville Homes, III L.P. — scattered sites (Ward 8) (O 1775-04)..... 1982
Hough Homes, L.P. — scattered sites (Ward 9) (O 1789-04)..... 1985
Russell Ave. — Yolanda Gilcrease (O 785-03) 1979
W. 48th St. — MGK Properties Ltd. (O 1518-04) 1968

Levies

W. 117th St. — levy special assessments — construct an amenity strip — sidewalk and emplacing tree pockets — shade trees (O 1657-04) 1982

Libraries

Cleveland Public Library — analysis — merging with the Cuyahoga County Public Library (R 1870-04) 1979

Liquor Permits

Community College Ave., 3609 — objection (Ward 5) (R 1864-04) 1978
E. 79th St., 1930 — transfer (Ward 7) (F 1993-04)..... 1955
Euclid Ave., 2121 — objection (Ward 13) (R 1982-04)..... 1964
Euclid Ave., 308 — transfer (Ward 13) (F 1996-04)..... 1955
Larchmere Blvd., 12102 — objection — new (Ward 6) (R 1981-04)..... 1964

Lee Rd., 4501-05 — objection — withdraw (Ward 1) (R 1865-04)	1979
Triskett Rd., 14016 — transfer (Ward 20) (F 1994-04)	1955
Turney Rd., 4525 — objection — withdraw (Ward 2) (R 1866-04)	1979
W. 25th St., 3250 — new (ward 17) (F 1992-04)	1955
Waterloo Rd., 15222 — transfer (Ward 11) (F 1995-04)	1955

Living Wage

Compensation for various classifications — amend Ord. No. 384-03 (O 1814-04)	1987
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Memoranda of Understanding

Continental Airlines, Inc. — amendment to Contract No. 38171 (O 1961-04)	1956
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Motor Vehicle Maintenance Division (MVM)

Allison transmissions — remanufactured automatic — purchase (O 997-04)	1966
Bell Equipment Co., Inc. — requirement contracts — Leach packer parts (O 998-04)	1966
Fuel dispensing pumps and systems — repair or replace (O 996-04)	1966
Gibson Machinery, LLC — requirement contracts — Hi-Way salt spreader and insert parts (O 999-04)	1966
Newell Equipment Company, Inc. — requirement contracts — Swenson and Henderson salt spreader and insert parts (O 1000-04)	1966

National League of Cities

American dream — national commitment — develop programs and policies (R 1863-04)	1978
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Neighborhood Equity Funds

Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8 and 9 (O 1971-04)	1961
Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 (O 1969-04)	1960
Cleveland Church of Christ Economic Development, Inc. — Hamilton School Empowerment Program — Ward 3 (O 1972-04)	1961
Commission on Catholic Community Action — Social Service Resource Inventory Program — Ward 17 (O 1975-04)	1962
Euclid St. Clair Development Corporation — feasibility study — promoting residential development — Ward 10 (O 1985-04)	1963
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 (O 1978-04)	1962
Forest Hills Parkway Empowerment Program — amend Ord. 584-04 — Ward 9 (O 1968-04)	1960
Garrett Square Development Corporation — Glenville Titans Football Program — amend the contract — Ward 8 (O 1977-04)	1962
Lee Cleaners — renovations — grant agreement — Ward 10 (O 1986-04)	1963
Old Brooklyn Community Dev. Corp. — Lower Big Creek Greenway Redevelopment and Restoration Plan — Ward 15 (O 1970-04)	1961
Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 (O 1984-04)	1963
Old Brooklyn Neighborhood Services, Inc. — grant agreement — Old Brooklyn Residential Safety & Health program — Ward 15 & 16 (O 1867-04)	1998
Smith Funeral Home — renovations — grant agreement — Ward 10 (O 1987-04)	1964
The Filter Factory, Inc. — Filter Factory Renovation Building Project — Ward 12 (O 1973-04)	1961
The Tom Evert Dance Company — Hispanic Cultural and Arts Program — Ward 17 (O 1974-04)	1962
Thea Bowman Center — Mt. Pleasant Community Orchestra program — amend Ord. 1205-04 — Ward 3 (O 1976-04)	1962
West 176th Street, LLC — Kamms Shopping Plaza, LLC — Environmental Remediation Project — Ward 21(O 1979-04)	1963
Westside Industrial Retention and Expansion Network — Berea Road Business Redevelopment Plan — Ward 19 (O 1967-04)	1960

Northeast Shores Development Corporation

Corsica Ave. — Land Reutilization Program (O 1515-04)	1967
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Old Brooklyn Area

Old Brooklyn Neighborhood Services, Inc. — grant agreement — Old Brooklyn Residential Safety & Health program — Ward 15 & 16 NEF (O 1867-04)	1998
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Parks

Ansel Rd. near Korman Ave. — appropriate property — develop a park (R 1966-04)	1960
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Parks, Recreation and Properties Department

Ansel Rd. near Korman Ave. — appropriate property — develop a park (R 1966-04) 1960
 Garrett Square Development Corporation — Glenville Titans Football Program — amend the
 contract — Ward 8 NEF (O 1977-04) 1962
 Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers
 Construction, Inc. — Option to Purchase Agreement (O 1304-04) 1966

Peddlers

Lloyed, III, Betty and Howard — Ward 4 (O 1871-04) 1998

Permits

Annual America’s Walk for Diabete, 13th — American Diabetes Association (O 1861-04)..... 1998
 Annual Turkey Trot, 23rd — Hermes Sports & Events (O 1859-04) 1997
 Cleveland Bench Bar Halloween Run — Hermes Sports & Events (O 1862-04) 1998
 Diabetes Association of Greater Cleveland Race, The — Hermes Sports & Events
 (O 1858-04)..... 1997
 Juno Jog 5K Run/Walk — Hermes Sports and Events (O 1851-04) 1997
 Race for the Cure — Hermes Sports & Events (O 1860-04)..... 1997

Personnel Department

Compensation for various classifications — amend Ord. No. 384-03 (O 1814-04) 1987

Plats

Old Grayton Road Relocated — Dedication Plat (F 412-03) 1955

Port Control Department

Continental Airlines, Inc. — Memorandum of Understanding — amendment to Contract No.
 38171 (O 1961-04) 1956

Purchases and Supplies Division

Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers
 Construction, Inc. — Option to Purchase Agreement (O 1304-04) 1966

Resolutions — Miscellaneous

American dream — national commitment — develop programs and policies (R 1863-04) 1978
 Cleveland Public Library — analysis — merging with the Cuyahoga County Public Library
 (R 1870-04) 1979
 St. Clair Superior Development Corporation’s plan — town house community — 1030 E. 62nd
 St. (R 1980-04) 1964

Safety Department

Cuyahoga Metropolitan Housing Authority — agreement — police officers — enforce state
 and municipal laws beyond its own properties (O 1272-04) 1966
 Dominion Cleveland Thermal, Inc. — transfer of the franchise — CT Acquisitions I Inc.
 (O 1519-04) 1965-1968
 Gang Resistance Education and Training Program, 2004 — grant — U.S. Department of
 Justice, Bureau of Alcohol, Tobacco and Firearms (O 1488-04) 1967
 Team Approach to Violence Against Women Program — Law Enforcement, 2005 — grant —
 Criminal Justice Services Agency (O 857-04) 1965

Salaries

Compensation for various classifications — amend Ord. No. 384-03 (O 1814-04) 1987

Service Department

Allison transmissions — remanufactured automatic — purchase — Div. of Motor Vehicle
 Maintenance (O 997-04) 1966
 Annual America’s Walk for Diabete, 13th — permit — American Diabetes Association
 (O 1861-04)..... 1998
 Annual Turkey Trot, 23rd — permit — Hermes Sports & Events (O 1859-04) 1997
 Bell Equipment Co., Inc. — requirement contracts — Leach packer parts — Div. of Motor
 Vehicle Maintenance (O 998-04) 1966
 Cleveland Bench Bar Halloween Run — permit — Hermes Sports & Events (O 1862-04)..... 1998
 Diabetes Association of Greater Cleveland Race, The — permit — Hermes Sports & Events
 (O 1858-04)..... 1997
 Diemer Court N.E. — intention to vacate (R 1458-04)..... 1968
 E. 156th Pl. N.E. — intention to vacate (R 1484-04) 1968
 E. 79th St. (west) first unnamed alley — intention to vacate (R 1965-04) 1960
 Fuel dispensing pumps and systems — repair or replace (O 996-04)..... 1966
 Gibson Machinery, LLC — requirement contracts — Hi-Way salt spreader and insert parts
 — Div. of Motor Vehicle Maintenance (O 999-04)..... 1966
 Juno Jog 5K Run/Walk — permit — Hermes Sports and Events (O 1851-04) 1997

Newell Equipment Company, Inc. — requirement contracts — Swenson and Henderson salt spreader and insert parts — Div. of Motor Vehicle Maintenance (O 1000-04).....	1966
On-road vehicles and off-road equipment — vehicles and boat rehabilitation — various divisions (O 1481-04)	1967
Race for the Cure — permit — Hermes Sports & Events (O 1860-04).....	1997
Side Ave. N.W. (width varies) — intention to vacate (R 1485-04)	1968
West 9th Properties LLC, an affiliate of Marous Development — permit — public right-of-way — District Park Condominium project — 1240 W. 9th St. (O 1479-04).....	1967

Sidewalks

W. 117th St. — levy special assessments — construct an amenity strip — sidewalk and emplacing tree pockets — shade trees (O 1657-04)	1982
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Street Vacation

Aspen Court, N.W. — vacate a portion (O 1483-04)	1967
Diemer Court N.E. — intention to vacate (R 1458-04).....	1968
E. 156th Pl. N.E. — intention to vacate (R 1484-04)	1968
E. 79th St. (west) first unnamed alley — intention to vacate (R 1965-04)	1960
Side Ave. N.W. (width varies) — intention to vacate (R 1485-04)	1968

Tabled Legislation

Information management systems — amend Ord. No. 1068-98 — as amended by Ord. No. 1565-02 (O 1172-04).....	1968-T
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University Circle

University Circle Place Apartments — 11309 Euclid Ave. — acquisition and rehabilitation — Community Development Block Grant Float Loan (O 1962-04).....	1957
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Utilities Department

Calcom Inc. — contracts — maintenance — existing security systems — Division of Water (O 1466-04).....	1967
Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04).....	1967
Emergency dispatch customer-based telephone communication system — purchase — Cleveland Public Power (O 1472-04).....	1967
Information management systems — amend Ord. No. 1068-98 — as amended by Ord. No. 1565-02 (O 1172-04).....	1968-T
Karen O'Malley, Inc. dba as Harp Restaurant — lease of City-owned property — amend Ord. 2138-03 (O 1258-04)	1966
Simplex Grinnell LP — contracts — maintenance — fire alarms and detection systems — Division of Water (O 1470-04).....	1967
Supervisory Control and Data Acquisition ("SCADA") System — procuring, constructing and installing — training, technical support and maintenance — Division of Water (O 417-04)	1965

Vehicles

On-road vehicles and off-road equipment — vehicles and boat rehabilitation — various divisions (O 1481-04)	1967
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Ward 01

Bell, Henry Lee — condolence (R 1998-04).....	1956
Griffin Shaver, Frances — condolence (R 1999-04).....	1956
Lee Rd., 4501-05 — objection — withdraw — liquor permit (R 1865-04)	1979

Ward 02

Ferris Ave. — Land Reutilization Program — Mildred Johnson (O 1292-04).....	1966
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04).....	1962
Harris, Elder Wardell — appreciation (R 2002-04).....	1956
Turney Rd., 4525 — objection — withdraw — liquor permit (R 1866-04).....	1979

Ward 03

Cleveland Church of Christ Economic Development, Inc. — Hamilton School Empowerment Program — NEF (O 1972-04).....	1961
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04).....	1962
Thea Bowman Center — Mt. Pleasant Community Orchestra program — amend Ord. 1205-04 — NEF (O 1976-04)	1962

Ward 04

E. 89th St. — Land Reutilization Program — Blessed Hope Missionary Baptist Church (O 1512-04).....	1967
Lloyed, III, Betty and Howard — peddling (O 1871-04)	1998

Ward 05

Bouie, Elder Oliver D. — condolence (R 1997-04).....	1956
Community College Ave., 3609 — objection — liquor permit (R 1864-04).....	1978
E. 79th St. (west) first unnamed alley — intention to vacate (R 1965-04)	1960

Ward 06

Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 NEF (O 1969-04).....	1960
Douglas P. Carpenter Playground — appreciation (R 2003-04).....	1956
Juno Jog 5K Run/Walk — permit — Hermes Sports and Events (O 1851-04)	1997
Larchmere Blvd., 12102 — objection — new — liquor permit (R 1981-04)	1964

Ward 07

E. 70th St. — Land Reutilization Program — Mildred Jeffries (O 1281-04).....	1966
E. 79th St., 1930 — transfer — liquor permit (F 1993-04)	1955
E. 88th St. — Land Reutilization Program — Ora D. Gildersleeve (O 1284-04).....	1980
Russell Ave. — Land Reutilization Program — Yolanda Gilcrease (O 785-03)	1979

Ward 08

Ansel Rd. near Korman Ave. — appropriate property — develop a park (R 1966-04).....	1960
Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8 and 9 NEF (O 1971-04)	1961
Garrett Square Development Corporation — Glenville Titans Football Program — amend the contract — NEF (O 1977-04)	1962
Glenville Homes, III L.P. — Land Reutilization Program — scattered sites (O 1775-04)	1982
Griffin Shaver, Frances — condolence (R 1999-04).....	1956

Ward 09

Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8 and 9 NEF (O 1971-04)	1961
Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 NEF (O 1969-04).....	1960
Forest Hills Parkway Empowerment Program — amend Ord. 584-04 — Ward 9 NEF (O 1968-04).....	1960
Hough Homes, L.P. — Land Reutilization Program — scattered sites (O 1789-04).....	1985

Ward 10

Euclid St. Clair Development Corporation — feasibility study — promoting residential development — NEF (O 1985-04)	1963
Lee Cleaners — renovations — grant agreement — NEF (O 1986-04).....	1963
Smith Funeral Home — renovations — grant agreement — NEF (O 1987-04)	1964

Ward 11

Corsica Ave. — Land Reutilization Program — Northeast Shores Development Corporation (O 1515-04)	1967
E. 156th Pl. N.E. — intention to vacate (R 1484-04)	1968
Hunter, Ian — welcome (R 2004-04)	1956
St. Jerome's Parish — congratulation (R 2001-04)	1956

Ward 12

The Filter Factory, Inc. — Filter Factory Renovation Building Project — NEF (O 1973-04)	1961
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Ward 13

Ambro, Sister Corita — congratulation (R 2000-04).....	1956
Annual America's Walk for Diabete, 13th — permit — American Diabetes Association (O 1861-04).....	1998
Annual Turkey Trot, 23rd — permit — Hermes Sports & Events (O 1859-04)	1997
Cleveland Bench Bar Halloween Run — permit — Hermes Sports & Events (O 1862-04).....	1998
Diabetes Association of Greater Cleveland Race, The — permit — Hermes Sports & Events (O 1858-04).....	1997
Diemer Court N.E. — intention to vacate (R 1458-04).....	1968
Euclid Ave., 2121 — objection — liquor permit (R 1982-04)	1964
Euclid Ave., 308 — transfer — liquor permit (F 1996-04)	1955
Karen O'Malley, Inc. dba as Harp Restaurant — lease of City-owned property — amend Ord. 2138-03 (O 1258-04)	1966
Kolbus America, Inc. — contract — acquisition of personal property, leasehold improvements — 812 Huron Rd. — relocate business (O 1493-04).....	1967
Race for the Cure — permit — Hermes Sports & Events (O 1860-04).....	1997
St. Clair Superior Development Corporation's plan — town house community — 1030 E. 62nd St. (R 1980-04)	1964
West 9th Properties LLC, an affiliate of Marous Development — permit — public right-of-way — District Park Condominium project — 1240 W. 9th St. (O 1479-04).....	1967

Ward 15

Old Brooklyn Community Dev. Corp. — Lower Big Creek Greenway Redevelopment and Restoration Plan — NEF (O 1970-04).....	1961
Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 NEF (O 1984-04).....	1963
Old Brooklyn Neighborhood Services, Inc. — grant agreement — Old Brooklyn Residential Safety & Health program — Ward 15 & 16 NEF (O 1867-04).....	1998

Ward 16

Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 NEF (O 1984-04).....	1963
Old Brooklyn Neighborhood Services, Inc. — grant agreement — Old Brooklyn Residential Safety & Health program — Ward 15 & 16 NEF (O 1867-04).....	1998
Wetzel Ave., 3505 & Leopold Ave., 3702 — declare and sell blighted premises — Old Brooklyn Neighborhood Services, Inc. (O 1960-04)	1956

Ward 17

Aspen Court, N.W. — vacate a portion (O 1483-04)	1967
Commission on Catholic Community Action — Social Service Resource Inventory Program — NEF (O 1975-04)	1962
Fenwick Ave. — Land Reutilization Program — Stockyard Redevelopment Organization (O 1517-04)	1967
The Tom Evert Dance Company — Hispanic Cultural and Arts Program — NEF (O 1974-04).....	1962
Side Ave. N.W. (width varies) — intention to vacate (R 1485-04)	1968
W. 25th St., 3250 — new — liquor permit (F 1992-04).....	1955
W. 48th St. — Land Reutilization Program — MGK Properties Ltd. (O 1518-04).....	1968
W. 76th St., Goodwalt Ave. & W. 73rd St. (parcels bounded by) — Planned Unit Development Overlay District — change the Use, Area and Height District (O 1964-04)	1958

Ward 18

Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers Construction, Inc. — Option to Purchase Agreement (O 1304-04)	1966
W. 117th St. — levy special assessments — construct an amenity strip — sidewalk and emplacing tree pockets — shade trees (O 1657-04)	1982

Ward 19

Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04).....	1962
Westside Industrial Retention and Expansion Network — Berea Road Business Redevelopment Plan — NEF (O 1967-04)	1960

Ward 20

Old Grayton Road Relocated — Dedication Plat (F 412-03)	1955
Triskett Rd., 14016 — transfer — liquor permit (F 1994-04).....	1955
W. 130th St. (west side) — from Sprecher Ave. to Crossburn Ave. change the zoning — Local Retail Business Use District (O 1525-04)	1980

Ward 21

West 176th Street, LLC — Kamms Shopping Plaza, LLC — Environmental Remediation Project — NEF (O 1979-04).....	1963
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Water Division

Calcom Inc. — contracts — maintenance — existing security systems (O 1466-04)	1967
Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04)	1967
Simplex Grinnell LP — contracts — maintenance — fire alarms and detection systems (O 1470-04).....	1967
Supervisory Control and Data Acquisition ("SCADA") System — procuring, constructing and installing — training, technical support and maintenance (O 417-04).....	1965

Water Pollution Control Division

Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04)	1967
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Welcome

Hunter, Ian (R 2004-04).....	1956
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Zoning

W. 130th St. (west side) — from Sprecher Ave. to Crossburn Ave. change the zoning — Local Retail Business Use District (O 1525-04)	1980
W. 76th St., Goodwalt Ave. & W. 73rd St. (parcels bounded by) — Planned Unit Development Overlay District — change the Use, Area and Height District (O 1964-04)	1958

Zoning Code

Penalties for misdemeanors, and penalties for zoning, housing, and building code violations — amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 (O 486-04)	1965
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