

The City Record

Official Publication of the Council of the City of Cleveland



September the Twenty-Eighth, Two Thousand and

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	James R. Knight
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	Anthony Brancatelli
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Emily Lipovan Holan
16	Kevin J. Kelley
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	James R. Knight	16217 Glendale Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	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	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Emily Lipovan Holan	4579 South Hills Drive	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;

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

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

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

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

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

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

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – 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 – Richard L. Nemeth, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Antonette Thompson, Director

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec’y.; Robert H. Baker, Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, SEPTEMBER 28, 2005

No. 4790

CITY COUNCIL

MONDAY, SEPTEMBER 26, 2005

The City Record

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

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; _____ Vice Chairman; Brady, Cimperman, Johnson, Kelley, Knight, 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, Cimperman, Coats, Conwell, Reed, Pierce Scott, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; Brady, Vice Chairman; Cintron, Kelley, Knight, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman, Conwell, Vice Chairman, Brancatelli, Lipovan Holan, Kelley, Lewis, Pierce Scott.

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 26, 2005

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

Council Members present: Brady, Brancatelli, Cimperman, Cintron, Coats, Conwell, Dolan, Lipovan Holan, Johnson, Kelley, Knight, Polensek, Sweeney, Reed, Westbrook, White and Zone.

Also present were Directors Richiuto, Carroll, Watson, Thompson Routen, Huth, Appolito and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Lester C. Williams of Church Moses Free Spirit. Pledge of Allegiance.

MOTION

On the motion of Council Member Conwell, the minutes of the last

meeting were dispensed with and the journal approved. Seconded by Council Member Brady.

COMMUNICATIONS

File No. 1847-05.

From the Cleveland Public Library — Director's Report, September 15, 2005. Received.

File No. 1848-05.

From Dominion East Ohio — increase in the October gas cost recovery rate (GCR). Received.

File No. 1849-05.

From The Cleveland Clinic Foundation — 2004 Annual Report Edition, Catalyst. Received.

File No. 1850-05.

From Vorys, Sater, Seymour and Pease LLP — PUCO Case No. 04-255-HT-AEC, Cleveland Thermal Steam Distribution, LLC. Received.

File No. 1851-05.

From Vorys, Sater, Seymour and Pease LLP — PUCO Case No. 02-2758-HT-AEC, Cleveland Thermal Steam Distribution, LLC. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1852-05.

Re: Stock Transfer Application — 6503136 — Ocean, Inc., 10808 Dove Avenue, first floor. (Ward 2). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1853-05 — James Edward Birdsong.

Res. No. 1854-05—Albert Leroy Nelson.

CONGRATULATION RESOLUTIONS

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

Res. No. 1855-05—Baptist Ministers' Conference of Cleveland and Vicinity (E. Theophilus Caviness Memorial Foundation).

Res. No. 1856-05 — The American Diabetes Association (15th Annual America's Walk for Diabetes).

Res. No. 1857-05 — St. Barbara's Church.

Res. No. 1858-05 — Mt. Haven Missionary Baptist Church.

Res. No. 1859-05 — Dr. Margaret (Miggy) Hopkins.

RECOGNITION RESOLUTION

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

Res. No. 1860-05—Wendy Gillette.

COMMEMORATION RESOLUTION

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

Res. No. 1861-05 — Wilma Ruth Combs.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1826-05.

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

An emergency ordinance authorizing the Director of Finance to enter into an economic development agreement or agreements with the County of Geauga for the purpose of charging an impact fee in exchange for the City's extension of water service to a portion of Bainbridge Township.

Whereas, the City of Cleveland's Division of Water provides water service to the County of Geauga under master meter Water Service Agreement No. 43866, entered into on July 18, 1991, along with subsequent amendments to expand the service area; and

Whereas, the County of Geauga has requested the Division of Water to amend the service area contained in the Water Service Agreement to include a portion of Bainbridge Township containing a commercial development; and

Whereas, the expansion of water service outside the City creates opportunities for economic development in suburban communities by enabling businesses to locate in that community that might otherwise have chosen to locate within the City; and

Whereas, as a condition of expanding its current service area to provide water to the portion of Bainbridge Township, the City wishes to enter into an agreement with the County of Geauga, to mitigate economic impacts to Cleveland's General Fund for such expansion; and

Whereas, retaining existing water customers and adding new customers through the expansion of the Division of Water's service area increases the rate base, promotes rate stability, minimizes the need for future rate increases, and improves the Division of Water's bond credit rating, to the benefit of all Division of Water customers and bondholders; 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 finds that expansion of water service outside the City creates opportunities for economic development in suburban communities by enabling businesses to locate in that community that might otherwise have chosen to locate within the City.

Section 2. That the Director of Finance is authorized to enter into an economic development agreement or agreements with the County of Geauga and other necessary public authorities to charge an impact fee to the County of Geauga to mitigate economic impacts to Cleveland's General Fund that may result from the extension of water service to the new portion of Bainbridge Township.

Section 3. The impact fee to be charged shall be \$4,000 for the first year, and shall increase by 5% each year for the remainder of the term of the agreement.

Section 4. That the term of the agreement shall run concurrently with the term of master meter Water Service Agreement No. 43866, including any extensions, and shall contain such terms and conditions acceptable to the Director of Law.

Section 5. That all payments by the County of Geauga under the agreements authorized by this ordinance shall be deposited in the City's General Fund to be used for economic development purposes.

Section 6. That the Director of Public Utilities and the Director of Finance are authorized to execute on behalf of Cleveland all necessary documents to effectuate the purposes of this ordinance.

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

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

Ord. No. 1827-05.

By Mayor Campbell.

An emergency ordinance authorizing the Director of Public Utilities to accept a grant of \$400,000 from Interstate Gas Supply to fund community outreach programs to inform residents of energy-assistance benefits and conservation measures, and to create jobs for Cleveland residents in home weatherization, and authorizing the Director of Public Utilities to enter into necessary contracts.

Whereas, dramatic increases in natural gas prices will likely cause the City's residents to suffer record-high heating bills this winter; and

Whereas, it is critical for the City to take all necessary steps to ensure that the City's residents are informed of and participate in all available federal, state, and local energy-assistance programs, to encourage residents to take all steps possible to reduce their heating bills through energy conservation, and to provide job opportunities for Cleveland residents in home weatherization; and

Whereas, in consideration of the City's membership in the Northeast Ohio Public Energy Council (NOPEC) gas aggregation program, NOPEC's gas supplier, Interstate Gas Supply, pledged to grant the City \$400,000 to support economic development projects in the City; and

Whereas, the City has determined that the funds to be provided by

Interstate Gas Supply are urgently needed to fund community outreach activities to inform residents of available energy assistance programs and energy conservation measures and to create jobs for Cleveland residents in home weatherization; and

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

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

Section 1. That the Director of Public Utilities is authorized to accept a grant in the amount of \$400,000 from Interstate Gas Supply to fund community outreach activities to inform City residents of available energy assistance programs and energy conservation measures, and to create jobs for Cleveland residents in home weatherization; that the Director of Public Utilities is authorized to file and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in this ordinance.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts one or more institutions, organizations, agencies, or other consultants for the purpose of supplementing the regularly employed staff of the several departments of the City to provide professional services necessary for the City to conduct community outreach programs to inform City residents of available energy-assistance benefits and energy conservation measures, including but not limited to supplying, preparing, distributing, and mailing informational and promotional materials, assisting in communications with City residents and appropriate agencies, providing advertising and promotional services and otherwise assisting in the community outreach activities contemplated by this ordinance, and to create jobs for Cleveland residents in home weatherization. Such consultants shall be selected from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 3. That the costs for the expenditures under this ordinance shall be paid from the fund or funds to which are credited the proceeds of the grant accepted through this ordinance.

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

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

Ord. No. 1828-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Center for Families and Children to encroach into the public right-of-way of Euclid Avenue and Prospect Avenue with 8 banners to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to the Center for Families and Children (4500 Euclid Avenue) ("Permittee") to encroach into the public right-of-way above Euclid Avenue and Prospect Avenue by installing, using, and maintaining 8 banners to be attached to Cleveland Public Power utility poles (by separate permission), for the period starting September 2005 and ending June 2006, at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
<u>Euclid Avenue South Side</u>		
1st Pole West of East 46th St.	No Tag	CPP
2nd Pole West of East 46th St.	No Tag	CPP
3rd Pole West of East 46th St.	No Tag	CPP
4th Pole West of East 46th St.	No Tag	CPP
5th Pole West of East 46th St.	No Tag	CPP
<u>Prospect Avenue North Side</u>		
1st Pole East of Prospect St.	No Tag	CPP
2nd Pole West of Prospect St.	No Tag	CPP
3rd Pole West of Prospect St.	No Tag	CPP

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the City.

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

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

Ord. No. 1829-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a grant from United States Department of Commerce National Oceanic Atmospheric Administration for the Flats East Bank Riverfront Park.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the approximate amount of \$1,464,735, from United States Department of Commerce National Oceanic Atmospheric Administration for the Flats East Bank Riverfront Park; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriat-

ed for the purposes described in the U.S. Department of Commerce financial assistance award for the grant contained in the file described below.

Section 2. That the U.S. Department of Commerce financial assistance award for the grant, File No. 1829-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Ord. No. 1830-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to provide service and repair of elevators, for the Division of Police, Department of Public Safety for a period of one year, with a one year option to renew.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of labor and materials necessary to provide service and repair of elevators at Police Headquarters located in the Justice Center and at the Third District Police Station, in

the approximate amount as purchased during the preceding term with one (1) option exercisable by the Director of Public Safety, to renew for an additional one year term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 121782)

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

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

Ord. No. 1831-05.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue to Vienna Distributing Company.

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). 119-21-048, as more fully described below, to Vienna Distributing Company.

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

P. P. No. 119-21-048

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. 407 and bounded and described as follows:

Beginning at a stone in the center of Cedar Street now known as Cedar Avenue S.E. at the intersection of said centerline with the extension Southerly of the Easterly line of Sublot No. 37 in the H. and A. Jayne's Subdivision as recorded in Volume 5 of Maps, Page 24 of Cuyahoga County Records; thence Northerly along said extension and said Easterly line of Sublot No. 37, 238 26/100 feet to the Northerly line of said Original Lot No. 407; thence Easterly along the Northerly line of said Original Lot No. 407, 62-86/100 feet; thence Southerly to a point in the centerline of Cedar Avenue S.E. 61-38/100 feet Easterly of the place of beginning; thence Westerly along the centerline of Cedar Avenue S.E. 61-38/100 feet to the place of beginning, be the same more less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1834-05.

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

An emergency ordinance approving in its entirety the Fact-Finder's report, findings and recommendations in the matter of City of Cleveland and the Ohio Patrolmen's Benevolent Association House of Correction Guards.

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, having duly considered the Fact-Finder's report, findings and recommendations in the matter of City of Cleveland and the Ohio Patrolmen's Benevolent Association House of Correction Guards, which were delivered to the City on September 22, 2005 via-email, a copy of which is contained in File No. 1834-05-A, this Council accepts the Fact-Finder's report, findings, and recommendations in their entirety.

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

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

Ord. No. 1835-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 49th Street to Scott Bibb.

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). 123-31-045, as more fully described below, to Scott Bibb.

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

P. P. No. 123-31-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in Barkwill and Jackson's Subdivision, of part of Original 100 Acre Lot No. 320, as shown by the recorded plat in Volume 7 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 49th Street, 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 3. That all documents necessary to complete the conveyance

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

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

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

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

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

Ord. No. 1836-05.

By Council Member Pierce Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Churchill Avenue to Christian Unity Missionary Baptist Church.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-01-052 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 179 in the Phillips Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387 as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Churchill Avenue, N.E., and extending back 120 feet deep of equal width, the Easterly line being on the Westerly line of East 107th Street, 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. 120-01-053 as more fully described below to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 178 in Sarah Phillip's Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Churchill Avenue, N.E., and extending back of equal width 120 feet deep, 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. 120-01-054 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 177 in Sarah Phillip's Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Churchill Street (now known as Churchill Avenue, N.E.) and extending back of equal width 120 feet deep, as appears by said plat.

Also subject to all 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. 120-01-055 as more fully described, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of

Block "A", of The Phillips Subdivision, of a part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records.

Beginning at a point in the Northerly line of Churchill Avenue, N.E., (formerly Churchill Street) 45 feet wide, as shown on said recorded plat, 100 feet North 89° 44' East in said Northerly line from the Southwesterly corner of Sublot No. 176 of said Subdivision; thence North in a line which is parallel with the West line of said Sublot No. 176 and said line produced North 173.70 feet to the Southerly line of (Hiawatha Court, N.E., 12 feet wide), now known as Rockhurst Avenue, N.E., which Southerly line is the Northerly line of said Block "A", as shown on said recorded plat; thence North 82° 08' East in the Southerly line of said Court 43.15 feet to the Northwesterly corner of said Block "A"; thence South 179.66 feet in the East line of said Block "A", to the Northerly line of said Churchill Avenue, N.E., thence South 89° 44' West 42.74 feet in the Northerly line of said Avenue to the place of beginning according to survey made by F.B. Krause, C.E.

Subject to all legal highways and also subject to the following liquors restrictions as set forth in agreement between Sarah Phillips and Churtis Ambler, et.al., recorded in Volume 498, Page 421 of Cuyahoga County Records, and referred to in Deed from Charles R. Phillips, et.al. to S.E. Dettelbach, recorded in Volume 1717, Page 238 of Cuyahoga County Records, to-wit:

"It is understood and agreed that said sales of Lots shall be restricted so that the sale of beer and liquor shall be prohibited."

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. 120-01-056 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as a part of Block A of the Phillips Subdivision, of part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records.

Beginning at a point in the Northerly line of Church Avenue, N.E., (formerly Churchill Street), 45 feet wide, as shown on said recorded plat, 50 feet Easterly from the Southwesterly corner of Sublot No. 176 of said Subdivision, said point being 13.26 feet Easterly from the Southwesterly corner of said Block "A"; thence North 89° 44' East 50 feet in the Northerly line of Churchill Avenue, N.E.; thence North in a line parallel with the West line of said Block "A", 173.70 feet to the Southerly line of Hiawatha Court, N.E., (now known as Rockhurst Avenue, N.E.) 12 feet wide as shown on said recorded plat, which line of said Court is the Northerly line of said Block "A"; thence South 82° 8' West 29.89 feet in the Southerly line

of said Court to an angle therein; thence South 89° 44' West in the Southerly line of said Court 20.39 feet to the point of intersection therewith of a line extended North from the place of beginning parallel with and 50 feet Easterly from the West line of said Sublot No. 176 and said West line produced North; thence South 170 feet to the place of beginning, according to survey made by F.B. Krause, C.E., be the same more or less, but subject to all legal highways and restriction recorded in Volume 498, Page 421 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

This property is registered under Section 5309.02 et seq. of the Revised Code and is known as Certificate of Title No. 116105 and is subject to restrictions, covenants, limitations and conditions to easement and right-of-way, if and contained therein.

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. 120-01-057 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 170, 171 and all of Sublot No. 176 and a part of Block "A" of The Phillips Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records.

Beginning in the Northerly line of Churchill Avenue, N.E., (formerly Churchill Street), 45 feet wide, at the Southwesterly corner of said Sublot No. 176; thence Northerly 100 feet along the Westerly line of said Sublot No. 176 to the Northwesterly corner thereof; thence continuing Northerly across said Sublots Nos. 170 and 171 in a production of the West line of said Sublot No. 176, about 45.97 feet to the Southwesterly corner of premises registered in The W.F. Company by Certificate of Title No. 78928; thence North 87° 24' 50" East 48.11 feet to the Southeastern corner of said premises; thence Northerly along the Easterly line of premises registered in said Certificate of Title No. 78928, 22.08 feet to the Southerly line of Rockhurst Court N.E., thence Easterly 1.94 feet along the Southerly line of Rockhurst Court N.E., to the Northeastern corner of premises formerly registered in Frank Pystone by Certificate of Title No. 71293; thence Southerly 170 feet parallel with the Westerly line of Block "A" to a point in the Northerly line of Churchill Avenue, N.E., thence South 89° 44' West 50 feet along the Northerly line of said Churchill Avenue to the place of beginning, be the same more or less.

Subject to all legal highways and also subject to the following liquor restrictions as set forth in agreement between Sarah Phillips and Curtis Ambler et al. recorded in Volume 498, Page 421 of Cuyahoga County Records and referred to in

Deed from Charles R. Phillips et al. to S.E. Dettelbach, recorded in Volume 1717, Page 238 of Cuyahoga County Records.

Said restrictions are as follows: It is understood and agreed that said sales of Lots shall be restricted so that the sale of beer and liquor shall be prohibited.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 1837-05.

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

An emergency ordinance authorizing the Director of Economic Development to consent to the assignments of various contracts from Kinbess LLC to the Cuyahoga Metropolitan Housing Authority.

Whereas, that under Ordinance No. 1033-01, passed June 19, 2001, the Director of Economic Development entered into City Contract No. 58711 for financial assistance in the form of a NDIF loan with Kinbess LLC; and

Whereas, that under Ordinance No. 1494-01, passed November 26, 2001, the Director of Economic Development entered into a Project Agreement for Acquisition and Private Redevelopment of Property dated August 28, 2003 with Kinbess LLC; and

Whereas, that under Ordinance No. 602-02, passed May 6, 2002, the Director of Economic Development into a Clean Ohio Fund Participation and Redevelopment Agreement, City Contract No. 63835, dated May 15, 2003, with Kinbess LLC; 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 consent to the request of Kinbess LLC to assign the NDIF loan obligations of Kinbess LLC, under Contract No. 58711, to the Cuyahoga Metropolitan Housing Authority, under terms and conditions determined by the Directors of Law and Economic Development.

Section 2. That the Director of Economic Development is authorized to consent to the request of Kinbess LLC to assign the Project Agreement for Acquisition and Private Redevelopment of Property dated August 28, 2003, to the Cuyahoga Metropolitan Housing Authority, under terms and conditions determined by the Directors of Law and Economic Development.

Section 3. That the Director of Economic Development is authorized to consent to the request of Kinbess LLC to assign the Clean Ohio Fund Participation and Redevelopment Agreement, City Contract No. 63835, to the Cuyahoga Metropolitan Housing Authority, under terms and conditions determined by the Directors of Law and Economic Development.

Section 4. That the assignments shall be prepared 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1838-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 5601 Carnegie Avenue to Kingsbury Development Corporation.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Kingsbury Development Corporation (the "Redeveloper") no longer needed for public use and located at 5601 Carnegie Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that Permanent Parcel Nos. 118-11-015, 118-11-016, and 118-11-017 are no longer needed for public use.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the

Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance 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 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 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 Economic Development, Parks, Recreation, and Properties, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Parks, Property and Recreation, City Planning, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 1839-05.

By Council Member Sweeney.

An ordinance to change the Use and Area Districts of a parcel of land on the North side of Sprecher Avenue from a One-Family Residential District and an 'A' Area District to a Semi-Industry District and a 'B' Area District (Map Change No. 2163, Sheet No. 13)

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

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

Beginning in the centerline of Sprecher Avenue (50 feet wide) and its intersection with the Southerly prolongation of the Westerly line of Sublot No. 154 in the Clark Manchester Homesite's No. 6 Subdivision as shown by the recorded plat in Volume 59 of Maps, Page 8 of Cuyahoga County Records;

Thence Northerly along said Westerly line to its intersection with the Northerly line of said Sublot No. 154;

Thence Easterly along said Northerly line to its intersection with the Easterly line thereof;

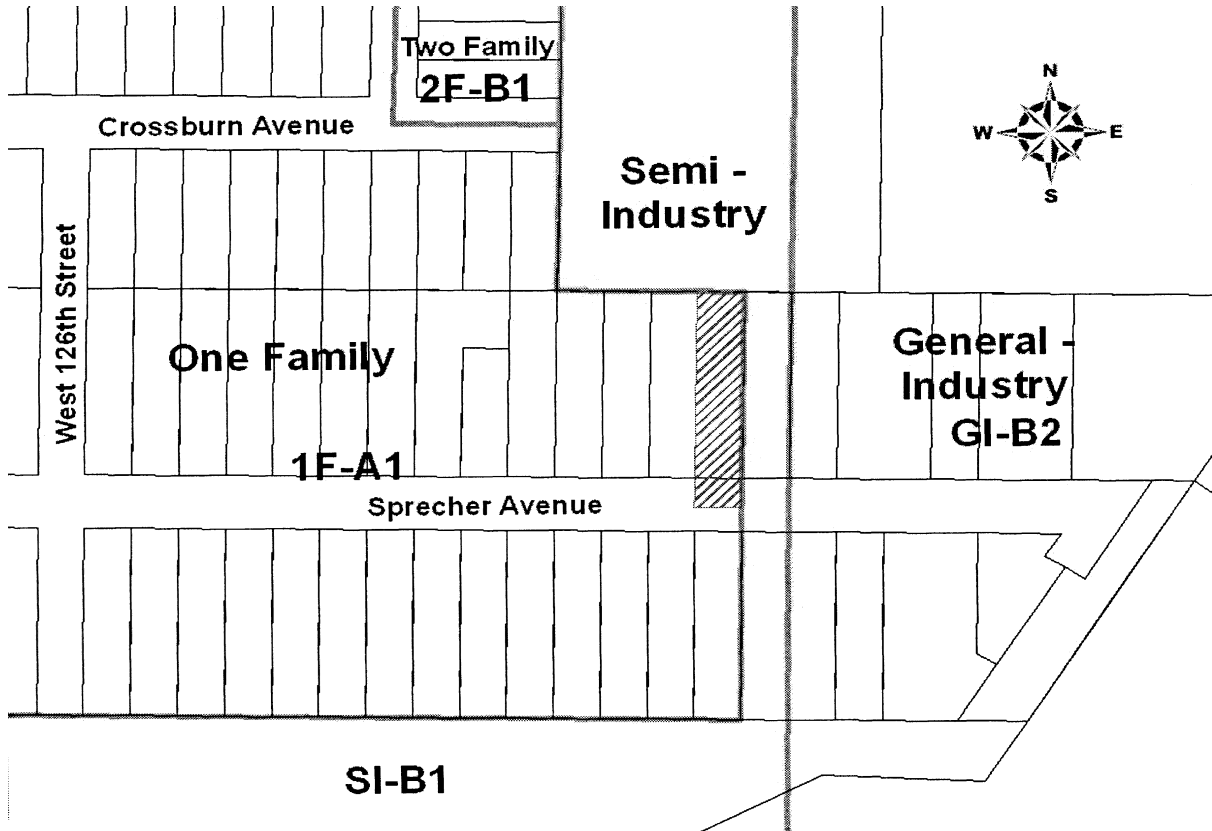
Thence Southerly along said Easterly line and its Southerly prolongation to its intersection with the centerline of Sprecher Avenue;

Thence Westerly along said centerline to the principal place of beginning.

and as shaded on the attached map is changed to a Semi-Industry District and a 'B' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2163, 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.



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

Ord. No. 1840-05.

By Council Member Zone.

An ordinance to change the Use District of the rear half of a parcel of land on the South side of Elton Avenue from a Local Retail Business District to a Two-Family Residential District (Map Change No. 2162, Sheet Number 1)

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

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

Beginning in the centerline of West 73rd Street and its intersection with the centerline of Elton Court N.W.;

Thence Southwesterly along said centerline of Elton Court to its intersection with the Southerly prolongation of the Westerly line of Sublot No. 593 in the James M. Hoyt Subdivision as recorded in Volume 3 of Maps, Page 37 of Cuyahoga County Records;

Thence Northwesterly along said Westerly line of Sublot No. 593 to its intersection with a line drawn parallel to and 44 feet from the centerline of Elton Court;

Thence Northeasterly along said parallel line to its intersection with the Westerly line of Sublot No. 594 in said James M. Hoyt Subdivision;

Thence Southeasterly along said Westerly line to its intersection with the Southerly line of said Sublot No. 594;

Thence Easterly along said Southerly line to its intersection with the centerline of West 73rd Street;

Thence Southerly along said centerline to its intersection with the centerline of Elton Court and the principal place of beginning.

and as shaded on the attached map is changed to a Two-Family Residential District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2162, 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 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. 1832-05.

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

An emergency resolution supporting the loan application of UTS Realty, LLC, to the Cuyahoga County Brownfield Development Fund for \$1 million to purchase and redevelop the 39-acre former Standard Oil Refinery Number 1 site located at 2635 Broadway into a freight transportation facility.

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 supports the loan application of UTS Realty, LLC, to the Cuyahoga County Brownfield Development Fund for \$1 million to purchase and redevelop the 39-acre former Standard Oil Refinery Number 1 site located at 2635 Broadway into a freight transportation facility.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Board of Cuyahoga County Commissioners.

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

Res. No. 1833-05.

By Council Members Coats, Sweeney, Cimperman and Jackson.

An emergency resolution declaring the intent to vacate a portion of Hartley Road.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Hartley Road, 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 intent to vacate a portion of the following described real property:

All that portion of Hartley Road N.E. (50 Feet Wide) extending Southeasterly from the Southerly line of Yorick Avenue N.E. (50 Feet Wide) and the Easterly line of East 152nd Street (60 Feet Wide) to its Southeasterly terminus.

Legal Description approved by Greg Esber, Section Chief, 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. 1841-05.

By Council Member Cimperman.

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the creation of the Downtown Business Improvement District and to provide additional security for the Downtown Cleveland Improvement District, additional cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District and collective economic development and marketing of the Downtown Cleveland Improvement District, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 1387-05, adopted September 12, 2005, this Council created the Downtown Business Improvement District and to provide additional security for the Downtown Cleveland Improvement District, additional cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District and collective economic development and marketing of the Downtown Cleveland Improvement District, by making specified improvements along the public right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David Tarditi, Dennis Althar, and Linda Hudecek, three disinterested freeholders of the City, and Ashley Arvin, as an alternate disinterested freeholder, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 1387-05, adopted September 12, 2005 by this Council.

Section 2. That the assessment equalization board shall meet at 8:30 a.m. on Wednesday, November 9th, 2005 in Room 6 of City Hall, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to

notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

Section 4. 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.

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

Ord. No. 1842-05.

By Council Members Pierce Scott, White, Lewis and Zone.

An emergency ordinance amending Section 1 of Ordinance No. 1176-05 passed June 6, 2005, as amended by Ordinance No. 1372-05 passed July 13, 2005 and as amended by Ordinance No. 1573-05 passed August 3, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with Cleveland Opera, Inc. for SCORE Program through the use of Ward 8, 2, 6, 7 and 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 Section 1 of Ordinance No. 1176-05 passed June 6, 2005, as amended by Ordinance No. 1372-05 passed July 13, 2005 and as amended by Ordinance No. 1573-05 passed August 3, 2005 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Cleveland Opera, Inc. for SCORE Program for the public purpose of providing educational and outreach program activities to Cleveland Public School students through the use of Wards 8, 2, 6, 7 and 17 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 1176-05 passed June 6, 2005, as amended by Ordinance No. 1372-05 passed July 13, 2005 and as amended by Ordinance No. 1573-05 passed August 3, 2005 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Res. No. 1843-05.

By Council Member Cintron.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3179 Scranton Road, 1st floor front.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Danial, Inc., DBA Danial Food Mart, 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44109, Permanent Number 1918060 to Captains Market, Inc., 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44109, Permanent Number 1245725; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Danial, Inc., DBA Danial Food Mart, 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44109, Permanent Number 1245725; 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1844-05.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 12301-03 Imperial Avenue and repealing Resolution No. 1567-05, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to Hiam A. Inc., 12301-03 Imperial Avenue, Cleveland, Ohio 44120, Permanent No. 3820139, adopted by the Council on August 3, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Hiam A. Inc., 12301-03 Imperial Avenue, Cleveland, Ohio 44120, Permanent Number 3820139 be and the same is hereby withdrawn and Resolution No. 1567-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 1845-05.

By Council Members Conwell, Knight, White, Reed, Johnson, Jackson, Britt, Lewis, Pierce Scott, Coats, Polensek, Brancatelli, Cimperman, Cintron, Lipovan Holan, Kelley, Zone, Westbrook, Brady, Sweeney, and Dolan.

An emergency resolution Supporting Issue 7, and encouraging voters to vote YES on Issue 7 on November 8th, in order to continue support services for Cuyahoga County residents who have mental retardation and other developmental disabilities.

Whereas, the November 8th ballot will include a 3.9 mill continuing levy to support services for Cuyahoga County residents who have mental retardation and other developmental disabilities; and

Whereas, passage of Issue 7 will generate \$117 million annually and cost the owner of a \$100,000 home \$2 more a month in taxes; and

Whereas, this 3.9 mill replacement issue is the only local public support for people with mental retardation and other developmental disabilities; and

Whereas, without passage of Issue 7, the Cuyahoga County Board of Mental Retardation & Developmental Disabilities will lose approximately sixty percent (60%) of its funding; and

Whereas, with the passage of Issue 7, the Board of Mental Retardation & Developmental Disabilities can continue to provide support and services to more than 9,000 children and adults each year and meet the needs of individuals not currently served; and

Whereas, the range of services provided by the Cuyahoga County Board of Mental Retardation & Developmental Disabilities include in-home early intervention programs for very young children and their families to leisure programs for seniors; and

Whereas, some of the vital services provided by the Cuyahoga County Board of Mental Retardation & Developmental Disabilities include job training and placement to help thousands of adults with mental retardation and other development disabilities become working members of society; help for thousands of infants, toddlers and preschoolers with developmental disabilities or delays; early intervention to identify at-risk infants and families; training in daily living skills and transportation services to help adults with mental retardation and other developmental disabilities live as independently as possible; and residential programs for older adults; and

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

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

Section 1. That this Council hereby supports Issue 7 and encourages voters to vote YES on Issue 7 on November 8, 2005, in order to continue support services for Cuyahoga County residents who have mental retardation and other developmental disabilities.

Section 2. That the Clerk is hereby directed to transmit certified copy of this resolution to Dr. Terrence M. Ryan, Superintendent, Cuyahoga County Board of Mental Retardation & Developmental Disabilities.

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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1846-05.

By Council Member Lewis.

An emergency resolution supporting the County of Cuyahoga's Clean Ohio Assistance grant application to the Ohio Department of Development; and supporting the loan application of the Consortium for Economic and Community Development to the Cuyahoga County Brownfield Development Fund for the redevelopment of 1218-1224 East 71st Street.

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 supports the County of Cuyahoga's Clean Ohio Assistance grant application to the Ohio Department of Development for the redevelopment of 1218-1224 East 71st Street.

Section 2. That this Council supports the loan application of the Consortium for Economic and Community Development to the Cuyahoga County Brownfield Redevelopment Fund for the redevelopment of 1218-1224 East 71st Street.

Section 3. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Ohio Department of Development and the Board of Cuyahoga County Commissioners.

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.

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1270-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 57th Street to Milton Bridges.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1524-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Stratum Energy Systems, LLC to provide economic development assistance to partially finance the acquisition of machinery and equipment for the property located at 1791 E. 40th Street, and all other associated costs necessary to redevelop the property.

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

1. In Section 2, at the end, add the following new sentence: **"The legislative file shall include a letter from Stratum Energy Systems, LLC that describes its commitment to provide opportunities for students to participate in tours, educational programs or other outreach efforts."**
2. Insert new Section 8 to read as follows:

"Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or plead guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought."

3. Renumber existing Section 8 to new **"Section 9"**.

Amendment agreed to. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 1656-05.

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 by various ordinances relating to compensation for various classifications.

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

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 1658-05.

By Council Member Jackson (by departmental request).

An emergency resolution requesting the County Auditor to make advances during the year 2006

under Section 321.34 of the Revised Code.

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

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

Res. No. 1796-05.

By Council Member Jackson (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2006 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.

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

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

MOTION

By Council Member Conwell, seconded by Council Member Brady and unanimously carried that the absence of Council Members Patricia J. Britt, Fannie M. Lewis and Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:40 p.m. to meet Monday, October 10, 2005 at 7:00 p.m. in the Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 21, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 21, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Absent: Director Taylor.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 516-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Electric Laboratories and Sales Corporation, a Hughes Supply Co. for an estimated quantity of meters and metering equipment, item nos. 1 thru 70, except for such terms and conditions as are unacceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on June 17, 2005, under the authority of Section 129.26, Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$3,979,597.60 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153371

which shall be certified against the contract in the sum of Twenty-Four Thousand Four Hundred and Twenty Five and no/100 Dollars (\$24,425.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 517-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cook Paving & Construction Co., Inc. for an estimated quantity of labor and materials necessary to install or repair underground miscellaneous duct line and street lighting, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 29th day of July 2005, under the authority of Ordinance No. 893-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$4,864,600.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153855

which shall be certified against the contract in the sum of \$250,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cook Paving & Construction Co., Inc. for labor and materials necessary to install or repair underground miscellaneous duct line and street lighting for the above-mentioned Requirement Contract is approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
McTech Corp.	\$485,000.00 (MBE)(9.97%)
Granger Trucking	\$ 50,000.00 (MBE)(1.03%)
The Vallejo Co.	\$200,000.00 (MBE)(4.11%)
L. V. Surveying	\$ 10,000.00 (FBE)(.21%)
Interstate Safety	\$ 40,000.00 (FBE)(.82%)
Collinwood Shale, Brick	\$ 15,000.00 (FBE)(.31%)
Rockport Construction	\$195,000.00 (FBE)(4.01%)

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 518-05.

By Director Mok.

Whereas, by Resolution No. 484-05, adopted September 7, 2005, this Board of Control authorized the Director of Port Control to enter into an agreement between the City of Cleveland and TMA Systems for professional services to upgrade existing engineering operations, maintenance, and pavement inventory systems software for the Department of Port Control; and

Whereas, the authorizing ordinance for this agreement in paragraph one of Resolution No. 484-05 was incorrectly stated as "618-04"; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that Resolution No. 484-05, adopted September 7, 2005, is amended by substituting "1083-04" as the authorizing ordinance in paragraph one of Board of Control Resolution No. 484-05.

Be it further resolved that all other terms of Resolution No. 484-05 not expressly amended here will remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw,

Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 519-05.

By Director Mok.

Whereas, by Resolution No. 485-05, adopted September 7, 2005, this Board of Control authorized the Director of Port Control to enter into a first modification to the agreement between the City of Cleveland and La Costa Consulting Group, Inc., Contract No. 63189, for additional services under the scope of work consisting of air services planning and marketing; and

Whereas, the original Board of Control Resolution No. authorizing this agreement in paragraph one of Resolution No. 485-05 was incorrectly stated as "Resolution No. 386-04"; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that Resolution No. 485-05, adopted September 7, 2005, is amended by substituting "Resolution No. 368-04" as the authorizing Board of Control Resolution in paragraph one of Board of Control Resolution No. 485-05.

Be it further resolved that all other terms of Resolution No. 485-05 not expressly amended here will remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 520-05.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Fire Force, Inc. for bunker gear suits, including proximity pants, proximity coats, hoods, helmets, suspenders and boots, all items, for the various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, received on the 15th day of June, 2005, under the authority of Ordinance No. 463-05, passed on April 18, 2005, which on the basis of the estimated quantity would amount to \$22,054.80, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for labor and material necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 156742

which shall be certified against the contract in the sum of \$22,054.80.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker,

Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 521-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Able Contracting Group, Inc. for purchase of various signal equipment used for the installation of traffic signals, Items 1, 2, 3, 4, 5, 6, 10, 15, and 20, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on June 10, 2005, under the authority of Ordinance No. 417-05, passed April 25, 2005, which on the basis of the estimated quantity would amount to \$305,500, is affirmed and approved as lowest and best bid, and the Director of Public Service is authorized to enter into a requirement contract for the goods which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159260

which shall be certified against the contract in the sum of \$48,500.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 522-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc., d.b.a. Leader Electric Supply Co. for purchase of various signal equipment used for the installation of traffic signals, Items 22, 23, 26, and 27, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on June 10, 2005, under the authority of Ordinance No. 417-05, passed April 25, 2005, which on the basis of the estimated quantity would amount to \$16,375, is affirmed and approved as lowest and best bid, and the Director of Public Service is authorized to enter into a requirement contract for the goods which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159262

which shall be certified against the contract in the sum of \$6,785.

The requirement contract shall further provide that the supplier shall furnish the remainder of the City's requirements for the goods, whether more or less than the esti-

mated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 523-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of General Traffic Equipment Corp. for purchase of various signal equipment used for the installation of traffic signals, Items 7, 8, and 19, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on June 10, 2005, under the authority of Ordinance No. 417-05, passed April 25, 2005, which on the basis of the estimated quantity would amount to \$18,450, is affirmed and approved as the lowest and best bid, and the Director of Public Service is authorized to enter into a requirement contract for the goods which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159263

which shall be certified against the contract in the sum of \$9,500.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 524-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Traffic Control Products Inc. for purchase of various signal equipment used for the installation of traffic signals, Items 12, 13, 14, 17, 21, 25, 30, 31, and 32, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on June 10, 2005, under the authority of Ordinance No. 417-05, passed April 25, 2005, which on the basis of the estimated quantity would amount to \$290,560.00, is affirmed and approved as lowest and best bid, and the Director of Public Service is authorized to enter into a requirement contract for the goods which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159264

which shall be certified against the contract in the sum of \$21,740.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 525-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Traffic Parts Inc. for purchase of various signal equipment used for the installation of traffic signals, Items 9, 18, 28, and 29, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on June 10, 2005, under the authority of Ordinance No. 417-05, passed April 25, 2005, which on the basis of the estimated quantity would amount to \$22,895, is affirmed and approved as lowest and best bid, and the Director of Public Service is authorized to enter into a requirement contract for the goods which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159265

which shall be certified against the contract in the sum of \$15,660.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 526-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Path Master Inc. for purchase of various signal equipment used for the installation of traffic signals, Items 11, 16, and 17, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on June 10, 2005, under the authority of Ordinance No. 417-05 passed April 25, 2005, which on the basis of the estimated quantity would amount to \$216,000, is affirmed and approved as lowest and best bid and the Director of Public Service is authorized to enter into a requirement contract for the goods which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159266 which shall be certified against the contract in the sum of \$22,750.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 527-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of anti-freeze/coolant (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on August 10, 2005, under the authority of Ordinance No. 1029-05, passed by the Council of the City of Cleveland on June 6, 2005, which on the basis of the estimated quantity would amount to \$80,380.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154300 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 528-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Custom Clutch Joint and Hydraulics, Inc. for an estimated quantity of various automotive and truck parts, item 2, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on July 6, 2005, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$35,000.00 (2% 10 Days), is affirmed and approved as the lowest and best bid, and the

Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154293 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 529-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Servco Products, Inc. for an estimated quantity of various automotive and truck parts, item 4 and 5, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on July 6, 2005, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$30,000.00 (1% 10 Days Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154294 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 530-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of various automotive and truck parts and labor, item nos. 3, 6 and 7, for the Division of Motor Vehicle Maintenance, Department of Public Ser-

vice, for the period of one year beginning with the date of execution of a contract, received on July 6, 2005, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$25,000.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154295 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 531-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks for an estimated quantity of various automotive and truck parts, item 1, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on July 6, 2005, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$40,000.00 (1% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154296 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 532-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 113-14-125 located at Corsica Avenue in Ward 11; and

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

Whereas, Cleveland Housing Network, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Cleveland Housing Network, Inc. for the sale and development of Permanent Parcel No. 113-14-125 located at Corsica Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 533-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jeter Systems, Corp. for an estimated quantity of: Criminal and Civil filing system (all items) for the Department of Finance, on behalf of the Cleveland Municipal Court, for the period of one year beginning with the date of execution of a contract, with a one year

option to renew, received on August 5, 2005 under the authority of Ordinance No. 1122-05, passed on June 6, 2005, which on the basis of the estimated quantity would amount to \$82,324.50, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 143638

which shall be certified against such contract in the sum of \$82,324.50.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 534-05.

By Director Ricchiuto.

Whereas, by Resolution No. 497-05, adopted September 7, 2005, under authority of Ordinance No. 362-05, passed by the Cleveland City Council on March 28, 2005, this Board of Control affirmed and approved the bid of Browning-Ferris Industries of Ohio, Inc. ("BFI") as the lowest and best bid for the purchase of an estimated quantity of direct haul disposal of municipal solid waste to its transfer site at 8123 Jones Road; and

Whereas, the City incorrectly determined that BFI's transfer site was in closest proximity to the City's waste collection operations and, therefore, the lowest direct haul disposal cost for waste operations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 497-05, affirming and approving the bid of Browning-Ferris Industries of Ohio, Inc. as lowest and best for direct haul disposal of municipal solid waste, is rescinded.

Be it further resolved that the bid of Republic Services, of Ohio I, LLC for the purchase of an estimated quantity of direct haul disposal of municipal solid waste to its transfer site at 3227 Harvard Avenue, Newburgh Heights, Ohio 44105, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of 1 year beginning with the date of execution of a contract received on August 17, 2005, under the authority of Ordinance No. 362-05, passed March 28, 2005, which on the basis of the estimated quantity would amount to approximately \$4,200,000.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or

services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 130579

which shall be certified against the contract in the sum of \$250,000.00.

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

Be it further resolved that the employment of the following subcontractors for the direct haul disposal of municipal solid waste by Republic Services of Ohio I, LLC is approved:

R & J Trucking, Inc.
23.8% — \$1,000,000.00

Granger Trucking, Inc.
(MBE) — 7.5% — \$315,000.00

Ramos Trucking
(MBE) — 7.5% — \$315,000.00

Interstate Safety & Services, Inc.
(FBE) — 5% — \$210,000.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors O'Malley, McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

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 10, 2005

9:30 A.M.

Calendar No. 05-275: 14211-35 Kinsman Road (Ward 4)

Great Lakes Resources, owner, and Jay Romer, appeal erect a 60' x 153' one-story retail store and parking lot, proposed to be constructed on consolidated parcels equaling to approximately a 116' x 207' corner lot in split zoning for Local Retail Business and Two-Family Districts on the northwest corner of Kinsman Road and East 143rd Street at 14211-35 Kinsman Road; subject to the limitations of Sections 349.13(c), the parking lot area in a Two-Family District, if deemed to be in the best interests of the community by the Board of Zoning Appeals, may be a temporary or permanently permitted use of the land in a residential district, where the land abuts or is across the street from a district other than a Residence District, provided that (1) the lot is used only for parking passenger automobiles of employees, customers or guests of the person or firm responsible for operating and maintaining the lot; (2) no charge is to be made for parking on the lot; (3) the lot is not to be used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and adjoining residential district property by a hedge, sightly fence or wall, not less than 4' but not more than 5' high, and located back of the setback building line; with all lighting arranged so that no glare annoys occupants of adjoining property in a Residence District; and the parking lot surface must be smoothly graded, hard surfaced and adequately drained; and a 4.5' landscaping strip is proposed along East 143rd Street instead of the required 6' width, as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 05-276: 3703 East 61st Street (Ward 12)

Deborah Ranallo, appeals under Chapter 76 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from a Violation Notice issued by the Building and Housing Department on August 18, 2004 for failure to hard surface a driveway located at 3703 East 61st Street, as required in Section 337.18(a) of the Codified Ordinances.

Calendar No. 05-277: 1227 West 69th Street (Ward 17)

John Mulgrew, owner, appeals to install a 24' x 4'-5" high above ground swimming pool on a 65' x 93' parcel in a Two-Family District

on the east side of West 69th Street at 1227 West 69th Street; and contrary to the Fence Regulations, a proposed fence, when installed on the deck for the pool, will be a total height of 7' contrary to the 6' height limit for rear and interior side yards, and fencing in a front yard area shall not exceed 4' as stated in Section 358.04 of the Codified Ordinances.

Calendar No. 05-281 6501 Clark Avenue (Ward 18)

Map Partnership, owner, and Alex Berkov, tenant, appeal to erect a 32 s/f non-illuminated, free-standing advertising sign on a 152' x 99' portion of a 365' x 324' irregular shaped corner parcel located in Semi-Industry and General Industry Districts on the southwest corner of Clark Avenue and West 65th Street at 6501-13 Clark Avenue; contrary to Sections 343.11(b)(2)(I)(4)(a), a 3' setback is proposed where advertising matter on an auto sales lot must be behind the required 10' setback line on Clark Avenue; and signs must be located and designed to allow visibility between 2.5' and 8' above grade level in a triangle formed by intersecting street right-of-way lines and a line 30' from the point where the street lines intersect, as stated in Section 350.08(b) of the Codified Ordinances.

Calendar No. 05-282: 2194 West 95th Street (Ward 18)

Lewis Charitable Trust, owner, and Chad Cape, agent, appeal to change an existing two family dwelling to a two family dwelling and a 14' x 52' professional office space, situated on a 51' x 112' parcel located in a Two-Family District on the west side of West 95th Street at 2194 West 95th Street; the professional office use being contrary to Section 337.03 and not permitted in a Two-Family District; and the office space addition requires two additional off-street parking spaces, or one space per 500 s/f, as stated in Section 349.04 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, SEPTEMBER 26, 2005

At the meeting of the Board of Zoning Appeals on Monday, September 26, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-267: 4651-53 Pearl Road

Richard Marusa appealed to erect a one-story addition to an existing legal, nonconforming used car sales building in a Local Retail Business District; subject to conditions.

Calendar No. 05-269: 2134 West 6th Street

Sutton Builders appealed to erect as 20' x 40' three-story two family residence in a Multi-Family District.

Calendar No. 05-278: 2235 West 20th Street

Israel Colon appealed to erect a 23' x 42' two-story single family residence in a Multi-Family District.

Calendar No. 05-279: 2239 West 20th Street

Israel Colon appealed to erect a 23' x 42' two-story single family residence in a Multi-Family District.

Calendar No. 05-245: 2804 East 73rd Street

Ricardo and Hilda Phillips appealed to enclose a 7' x 22' open front porch of an existing single family residence in a Semi-Industry District.

The following appeal was **Denied:**

None.

The following appeals were **Postponed:**

Calendar No. 05-222: 13014-18 Lorain Avenue postponed to October 24, 2005.

Calendar No. 05-211: 3905 Clinton Avenue postponed to November 7, 2005.

The following appeal was **Withdrawn:**

Calendar No. 05-271: 5914 Merrill Avenue

Tierra Associates appealed to erect a 45' x 120' warehouse addition in split zoning between Semi-Industry and Two-Family Districts.

In Executive Session on September 26, 2005, the following appeals heard by the Board on September 19, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-256: 17218 Groveswood Avenue

Marlon Davis appealed to change an existing mixed use building from a store and dwelling units to a carryout restaurant and dwelling units in a Multi-Family District.

Calendar No. 05-258: 7460 Broadway Avenue

The Gurdjieff Foundation of Ohio appealed to erect a 5' high decorative fence in the front yard of a through lot between Broadway Avenue and Spafford Court in a Semi-Industry District.

Calendar No. 05-259: 3608 West Park Road

Mary Ellen Schmittlein appealed to erect a 14' x 20' one-story frame garage on an irregular parcel in a Two-Family District.

Calendar No. 05-260: 1852 Rudwick Road

Juanita Mainor appealed to erect a 12' x 16' aluminum front porch enclosure to a single family dwelling in a Two-Family District.

Calendar No. 05-262: 4518 Henritze Avenue

Angelica Nicola appealed to erect a 24' x 20' garage with a 17' x 20' open carport at the rear of a single family dwelling in a Two-Family District.

Calendar No. 05-263: 17800 Windward Road

James Fraser appealed to erect a 24' x 24' two-story frame garage on an 80' x 118' parcel in a One-Family District.

Calendar No. 05-265: 2092 West 73rd Street

Orin Martin appealed to change the use from a store to a dwelling in an existing 1 1/2-story structure on a corner lot in a Two-Family District; subject to condition.

Calendar No. 05-270: 4724 West 198th Street

Rose Vasquez appealed to construct an 8' x 19' wood roof framing over an existing front porch of a single family dwelling in a One-Family District.

The following appeal was **Denied:**

Calendar No. 05-264: 3374 East 93rd Street

George Williams appealed to erect 300 linear feet of 4' high chain link fence on a corner lot in a Multi-Family District.

The following appeal heard by the Board on August 29, 2005 was adopted and approved on September 26, 2005.

Calendar No. 05-244: 9500 Detroit Avenue

Frank Caporossi appealed to change from a night club to a day care center an existing one-story building in a General Retail Business District.

In Executive Session on September 26, 2005, the following appeals reheard on August 15, 2005 were dismissed:

Calendar No. 05-149: 3520 Stanford Avenue — Duplex A

Aberdeen Investments, Inc. appealed to erect a single family residence in a B1 Two-Family District; subject to conditions.

Calendar No. 05-150: 3520 Stanford Avenue — Duplex B

Aberdeen Investments, Inc. appealed to erect a single family residence in a B1 Two-Family District; subject to conditions.

Calendar No. 05-151: 3520 Stanford Avenue — Duplex C

Aberdeen Investments, Inc. appealed to erect a single family residence in a B1 Two-Family District; subject to conditions.

Calendar No. 05-152: 3520 Stanford Avenue — Duplex D

Aberdeen Investments, Inc. appealed to erect a single family residence in a B Two-Family District; subject to conditions.

Calendar No. 05-153: 3520 Stanford Avenue — Duplex E

Aberdeen Investments, Inc. appealed to erect a single family residence in a B1 Two-Family District; subject to conditions.

Calendar No. 05-154: 3520 Stanford Avenue — Duplex F

Aberdeen Investments, Inc. appealed to erect a single family res-

idence in a B1 Two-Family District; subject to conditions.

Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing on the
FLATS EAST BANK
COMMUNITY DEVELOPMENT PLAN**

Notice is hereby given in accordance with Chapter 315 of the Codified Ordinances of the City of Cleveland that the Cleveland City Planning Commission will hold a Public Hearing on Friday October 7, 2005 at 9:00 a.m. in Room 514 City Hall, 601 Lakeside Avenue, NE, Cleveland, Ohio, for the purpose of considering the approval of the Flats East Bank Community Development Plan ("the Plan"). The Plan proposes certain land acquisition and clearance activities for the eventual redevelopment of an Action Area whose boundaries coincide with those of the Plan Area. Further, the Plan proposes general treatment measures to eliminate conditions of blight and deterioration found to exist in the Plan Area and prevent the recurrence of blight.

**FLATS EAST BANK
COMMUNITY DEVELOPMENT PLAN
REA BOUNDARIES**

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

Beginning at the intersection of the Northerly right-of-way of Main Avenue, NW (40 feet wide) and the Westerly right-of-way of West 9th Street (99 feet wide); thence Northwesterly along said Westerly right-of-way of West 9th Street to its intersection with the Southerly bridge abutment of the Greater Cleveland Transit Authority's (GCRTA) Waterfront Rail line;

Thence Southwesterly, Southerly and Southeasterly along said Southerly GCRTA bridge abutment to its intersection with the Southerly property line of Parcel "B" of a Lot Split and Consolidation for the Consolidated Rail Corporation recorded in Volume 281 Pages 23 and 24 of Cuyahoga County Records; thence Southwesterly along said Southerly property line of Parcel "B" to its intersection with the Easterly dock line of the Cuyahoga River; thence Southerly along said Easterly dock line to its intersection with the

Southerly line of the Main Avenue Bridge; thence Northeasterly along said Southerly line to its intersection with the Easterly line of Old River Road; thence Southerly along said Easterly line of Old River Road to its intersection with the Southerly line of Sublot No. 22 in the Irad Kelly Subdivision recorded in Volume "U" Pages 79 and 80 of the Cuyahoga County Map Records;

Thence Easterly along said Southerly line of parcel conveyed to the City of Cleveland by deed recorded in Volume 90-2362 Pages 4 through 17 of Cuyahoga County Map Records;

Thence Northwesterly along said Westerly line of parcel conveyed to the City of Cleveland and its Northwesterly prolongation to its intersection with said Northerly right-of-way of Main Avenue, N.W. (40 feet wide);

Thence Northeasterly along said Northerly right-of-way of Main Avenue, N.W. (40 feet wide) to its intersection with said Westerly right-of-way of West 9th Street (99 feet wide) and the principal place of beginning.

The purpose of the hearing is to enable the City Planning Commission to publicly present the aforementioned elements of the proposed Plan and solicit reaction to the proposed Plan from any interested party. Documents that constitute the Plan are on file for public inspection during business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) at the Cleveland City Planning Commission offices, Room 501 City Hall, 601 Lakeside Avenue, NE, Cleveland, Ohio.

Any person or organization desiring to be heard at said public hearing will be afforded an opportunity to be heard.

Robert N. Brown
Director
City Planning Commission

September 21, 2005 and September 28, 2005

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
of the City of Cleveland
Records Commission**

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland Records Commission will hold a public meeting on Monday, October 3, 2005 at 10:00 a.m. in Room 106 City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

September 28, 2005

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 5, 2005

Archmere Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, SEPTEMBER 29, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

FRIDAY, OCTOBER 7, 2005

West 162nd Street Storm Sewer Replacement Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 649-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF 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, SEPTEMBER 30, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

Throckley Avenue Sanitary Sewer Replacement Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 647-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF 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, SEPTEMBER 30, 2005 AT 10:30 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

Scrap Metals, for Various Divisions of City Government, Department of Finance, as authorized by Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, MONDAY, OCTOBER 3, 2005 AT 10:00 A.M., DEPARTMENT OF FINANCE, CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

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

September 21, 2005 and September 28, 2005

WEDNESDAY, SEPTEMBER 19, 2005

Phase II Residential Sound Insulation Program (RSIP) 2005 General Construction (Contract A-05-1) and HVAC/Electrical (Contract A-05-2) (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, OCTOBER 5, 2005 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

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

Phase II Residential Sound Insulation Program (RSIP) 2005

HVAC/Electrical (Contract C-05-2) (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, OCTOBER 5, 2005 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

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

September 21, 2005 and September 28, 2005

WEDNESDAY, OCTOBER 12, 2005

Tony Brush Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 6, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

Cleaning and Testing of Insulators, Bushing and Lighting Arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 894-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, OCTOBER 5, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 28, 2005 and October 5, 2005

THURSDAY, OCTOBER 13, 2005

St. John's Village West Phase 2 Sewer Connection Work, for the Division of Neighborhood Development, Department of Community Development, as authorized by Ordinance Nos. 1913-01, 1015-02 and 2332-02, passed by the Council of the City of Cleveland, April 29, 2002, May 20, 2002 and February 10, 2003, respectfully.

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 7, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

September 28, 2005 and October 5, 2005

FRIDAY, OCTOBER 14, 2005

Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners, Including Apputenances (Vac-tors), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 7, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

Labor and Materials Necessary to Repair and Maintain Vac-All Trucks, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 644-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 7, 2005 AT 10:30 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

September 28, 2005 and October 5, 2005

THURSDAY, OCTOBER 20, 2005

Labor and Materials Necessary to Repair and Maintain Plate Trucks (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 836-04, passed by the Council of the City of Cleveland, June 7, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, OCTOBER 12, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

Labor and Materials Necessary to Repair and Maintain T.V. Inspection Trucks, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2290-04, passed by the Council of the City of Cleveland, January 24, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, OCTOBER 12, 2005 AT 10:30 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

Labor and Materials Necessary to Maintain Air Filters, Repair Heating, Ventilation and Air Conditioning Systems, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 698-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 7, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Team Room Building and Parking Collinwood Athletic Complex, for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 2151-03 and 2365-04, passed by the Council of the City of Cleveland, December 15, 2003 and January 24, 2005.

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 6, 2005 AT 2:00 P.M., DIVISION OF ARCHITECTURE, CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2005 and October 5, 2005

FRIDAY, OCTOBER 21, 2005

Messenger Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 548-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, OCTOBER 11, 2005 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASING & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2005 and October 5, 2005

WEDNESDAY, NOVEMBER 16, 2005

Distribution System — Water Quality Monitoring System — Phase 1, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 758-04, passed by the Council of the City of Cleveland, June 7, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, OCTOBER 17, 2005 AT 10:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2005 and October 5, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1665-05.

By Council Members Dolan, Zone, Sweeney, Kelley, Lipovan Holan, Pierce Scott, Lewis, Reed, Brady, Conwell, Westbrook, Coats and Johnson.
An emergency resolution supporting and endorsing State Issue 1 and urging the citizens of the City of Cleveland to vote YES on State Issue 1 on November 8, 2005.

Whereas, State Issue 1 will create and preserve jobs, enhance education opportunities, and improve the quality of life and general well-being of people and businesses in all areas of Ohio by improving local government public infrastructure, expanding Ohio's research capabilities to promote produced innovation, development and commercialization, and prepare economic development sites and facilities in Ohio; and

Whereas, State Issue 1 will authorize the State of Ohio to issue up to \$1.35 billion in bonds to pay for or help local governments pay for the cost of public infrastructure capital improvements of local governments, including roads and bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection, storage and treatment facilities; and

Whereas, State Issue 1 will authorize the State of Ohio to issue to \$500 million in bonds to provide financial assistance for research and development in support of Ohio industry, commerce, and business, including research and product innovation, development, and commercialization; and

Whereas, State Issue 1 will authorize the State of Ohio to issue up to \$150 million in bonds to pay costs, or assist in the payment of costs of projects for the purpose of developing sites and facilities in Ohio for and ins support of industry, commerce, distribution, and research and development, including constructing and improving facilities, site preparation and cleanup, the acquisition of real estate, and providing public infrastructure improvements; and

Whereas, State Issue 1 will foster job creation through infrastructure projects, job ready sites and creating new products and services based on science and technology research and development ensuring Ohio's ability to create and compete for jobs, now and in the future; and

Whereas, passage of State Issue 1 will improve the quality of life for all Ohioans; 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 supports and endorses State Issue 1 and urges the citizens of the City of Cleveland to vote YES on State Issue 1 on November 8, 2005.

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

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1666-05.

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

An emergency resolution designating the block of East 83rd Street, East 86th Street, Euclid Avenue, Carnegie Avenue as "Play House Plaza".

Whereas, the Cleveland Play House will be celebrating their 90th anniversary during their 2005-2006 season; and

Whereas, in order to commemorate their anniversary, the Cleveland Play House would like to designate the block of East 83rd Street, East 86th Street, Euclid Avenue, and Carnegie Avenue as "Play House Plaza"; 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 the block of East 83rd Street, East 86th Street, Euclid Avenue, Carnegie Avenue is designated as "Play House Plaza" further described as follows: Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being an area bounded on the north by Euclid Avenue (80 feet wide), on the south by Carnegie Avenue S. E. (80 feet wide), on the east by East 86th Street (50 feet wide) and on the west by East 83rd Street (60 feet wide).

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.

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1667-05.

By Council Member Cimperman.
An emergency resolution authorizing the Cleveland Theater District Development Corporation to amend its articles of incorporation to continue to exist as a Corporation under Revised Code Chapter 1702 and to delete all references to Revised Code Chapter 710.

Whereas, under Resolution No. 483-95, adopted June 5, 1995, as

amended by Resolution No. 1746-97, adopted December 15, 1997, this Council authorized the formation of the Cleveland Theater District special Improvement District; and

Whereas, under the above resolution, as amended, the Cleveland Theater District Development Corporation was organized as a Corporation under Revised Code Chapter 1710; and

Whereas, on July 29, 2005, this Council accepted petitions signed by the owners of at least 20% of the front footage located within the Cleveland Theater District Business Improvement District; and

Whereas, the Cleveland Theater District Special Improvement District was dissolved by a majority vote of its members on August 8, 2005; and

Whereas, the Cleveland Theater District will no longer exist as a Corporation under Revised Code Chapter 1710, but will continue to exist as a Corporation under Revised Code Chapter 1702; 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 the Cleveland Theater District Development Corporation is authorized to amend its articles of incorporation to eliminate all references to its existence as a Corporation organized under Revised Code Chapter 1710 and to delete provisions requiring Cleveland City Council approval of future revisions.

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.

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1668-05.

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

An emergency resolution declaring the intention to vacate a portion of Holmden Court S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Holmden Court S.W., 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 Holmden Court S.W. (14 feet Wide) extending Easterly from the Southerly prolongation of the Easterly line of subplot 22 in the Nicola & Judson Allotment recorded in Volume 5 Page 7 of the Cuyahoga

County Map Records, to its Easterly terminus.

Description approved by Greg Esber, Section Chief, 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.

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1669-05.

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

An emergency resolution declaring the necessity and intention to appropriate property for the acquisition and redevelopment and/or rehabilitation of the blighted premises located at East 185th Street and Neff Road, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the elimination of spot blight; 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 for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at East 185th Street and Neff Road, through the acquisition and redevelopment and/or rehabilitation, it is necessary to appropriate in fee simple the blighted premises, and the Council declares its intent to appropriate the fee simple interest in and to the following described blighted premises: Permanent Parcel Nos. 114-19-009, 114-19-010, 114-19-011, 114-19-017, 114-19-018, 114-19-019, 114-19-020, 114-19-021, 114-19-022, 114-19-023, 114-19-024, 114-19-025, 114-19-075, 114-19-076, 114-19-077, 114-19-078, 114-20-091, 114-20-092, and 114-23-017.

Section 2. That the Director of Finance is authorized and directed to cause written notice of the adoption of this resolution to be given to the owners and persons in possession or having an interest of record in the above-described blighted premises. The notice shall be served according to law by a person designated for that purpose by the Director of Finance and 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.

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1676-05.

By Council Members Jackson, Brady, Polensek, Britt, White, Westbrook, Sweeney, Reed, Coats, Conwell, Lewis, Pierce Scott and Zone.

An emergency resolution supporting Ohio Senate Bill 13 which would help rescue Ohio jobs by prohibiting tax money to go toward outsourcing of Ohio jobs to foreign countries.

Whereas, the federal government and large U.S. corporations are outsourcing good, high-paying manufacturing and other jobs to foreign countries; and

Whereas, states such as Ohio are losing these jobs to foreign countries without anything in return; and

Whereas, stopping the hemorrhaging of Ohio jobs is critical to Ohio's economic and social vitality; and

Whereas, the Ohio Senate has introduced S.B. 13 which would require state contracts to specify that labor or services are to be performed within the U.S., that any supplies provided under a state contract will be from a U.S. location, and would prohibit awarding state contracts or giving state financial assistance, including tax incentives, loans or grants, for 5 years to employers that have a net loss of jobs due to the relocation of jobs from Ohio to locations outside the U.S.; and

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

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

Section 1. That this Council hereby supports Ohio Senate Bill 13 which would help rescue Ohio jobs by prohibiting tax money to go toward outsourcing of Ohio jobs to foreign countries.

Section 2. That the Clerk is hereby directed to send copies of this resolution to Ohio Senators Fedor, Brady, Dann, Fingerhut, Hagan, Miller, Mallory, Prentiss, Roberts, Wilson, and Zurz, to all State Representatives from Cuyahoga County and to Carla Henthorn, Ohio Associate Member Coordinator of the United Steelworkers union.

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 September 12, 2005.

Effective September 22, 2005.

Res. No. 1677-05.

By Council Members Conwell, Sweeney, Westbrook, Britt, Polensek, Brady, Pierce Scott, Coats, Lewis and Zone.

An emergency resolution encouraging the Ohio General Assembly to enact legislation that would establish excessive pricing of prescription drugs as a violation of State law, establish penalties for such excessive pricing, and provide a cause of action for an aggrieved party.

Whereas, prescription drugs are the fastest growing health care expenditure in the United States; and

Whereas, in 2002, U.S. spending on prescription drugs reached \$162 billion; this number is projected to reach \$369 billion by 2010; and

Whereas, paying for prescription drugs is extremely difficult for many people in the United States, including many Ohio citizens, especially those that are poor, chronically ill and elderly; and

Whereas, in 2001, nearly 1 in 4 seniors reported skipping doses or not filling prescriptions because of the cost; and

Whereas, in 2002, the average price of the top 50 drugs used by seniors was \$1,500 per year; a senior without supplementary insurance taking 6 different medications would spend \$9,000 per year out-of-pocket; and

Whereas, prices of the top 30 brand-name drugs increased by 22% over the past 3 years; in 2003 prescription costs increased four times the rate of inflation; and

Whereas, American drug companies spend more money on marketing and advertising than they do on research and development and invest enormous sums of money into "me too" drugs, which provide little to no innovation but are simply variations of existing drugs; and

Whereas, extraordinarily generous tax breaks have helped the pharmaceutical industry become the richest industry in the United States; and

Whereas, it is well known that the citizens of the United States pay the world's highest prescription drug prices and that most Americans struggle to pay skyrocketing prescription drug bills; and

Whereas, the District of Columbia has introduced a bill, and states such as Vermont and Maine have enacted bills, to prohibit excessive prescription drug pricing; and

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

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

Section 1. That this Council hereby encourages the Ohio General Assembly to enact legislation that would establish excessive pricing of prescription drugs as a violation of State law, establish penalties for such excessive pricing, and provide a cause of action for an aggrieved party.

Section 2. That the Clerk is hereby directed to transmit certified copies of this resolution Governor Bob Taft and to the members of the state legislature representing 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 September 12, 2005.

Effective September 22, 2005.

Res. No. 1682-05.

By Mayor Campbell.

An emergency resolution supporting State Issue 1 to amend the Ohio Constitution to authorize the issuance of general obligations of the state to finance local government public infrastructure capital improvements, research and development, and the development of certain sites and facilities in Ohio, and to expand state and local government authority regarding economic development.

Whereas, Issue 1 will create and preserve jobs, enhance education opportunities, and improve the quality of life and general well-being of people and businesses in all areas of Ohio by improving local government public infrastructure, expanding Ohio's research capabilities to promote product innovation, development and commercialization, and prepare economic development sites and facilities in Ohio, and

Whereas, Issue 1 will authorize the State of Ohio to issue up to \$1.35 billion in bonds to pay for or help local governments pay for the cost of public infrastructure capital improvements of local governments, including roads and bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection storage and treatment facilities; and

Whereas, Issue 1 will authorize the State of Ohio to issue up to \$500 million in bonds to provide financial assistance for research and development in support of Ohio industry, commerce, and business, including research and product innovation, development, and commercialization; and

Whereas, Issue 1 will authorize the State of Ohio to issue up to \$150 million in bonds to pay costs or assist other in the payment of costs of projects for the purpose of developing sites and facilities in Ohio for and in support of industry, commerce, distribution, and research and development, including constructing and improving facilities, site preparation and cleanup, the acquisition of real estate, and providing public infrastructure improvements; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the passage of Issue 1 will foster job creation through infrastructure projects, job ready sites and creating new products and services based on science and technology research and development ensuring Ohio's ability to create and compete for jobs, now and in the future; now, therefore

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

Section 1. That the City considers the passage of State Issue 1 to be a priority which will improve the quality of life for all Ohioans.

Section 2. That the City of Cleveland supports and endorses the passage of State Issue 1.

Section 3. That the Clerk of Council is directed to transmit a copy of this resolution of the Ohio Jobs Committee, at Jobs for Ohio, 14 E. Gay Street, 4th Floor, Columbus, Ohio 43215 and to Cuyahoga County Engineer Robert Klaiber.

Section 4. That this resolution is declared to be an emergency mea-

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1683-05.
By Council Members Pierce Scott, Sweeney, White, Conwell, Lewis, Brady, Britt, Polensek, Coats, Westbrook, Jackson, Johnson, Cintron, Lipovan Holan, Cimperman and Zone.
An emergency resolution in support of Issues 2, 3, 4 and 5 which would reform Ohio's election laws to restore faith, trust and confidence in Ohio's election system.

Whereas, on November 8, 2005, several issues will be on the ballot that, if passed, would reform Ohio's elections laws and restore faith and trust in Ohio's election system; and

Whereas, Issue 2 makes voting easier by allowing Ohioans to vote early by mail or in person at any time for any reason up to 35 days before any election; and

Whereas, Issue 3 helps stop the influence of big money in elections by restoring reasonable limits on campaign contributions; contributions will be limited to \$1,000 for legislative candidates and \$2,000 for statewide candidates; and

Whereas, Issue 4 takes the politics out of drawing legislative districts and puts an independent commission in charge of the process beginning in 2008; the commission will focus on what is best for constituents, not politicians; and

Whereas, Issue 5 places a bipartisan, nine-member board in charge of Ohio's elections instead of a partisan official that backs candidates and takes sides in elections; and

Whereas, the above issues are supported by the Reform Ohio Now campaign and will help restore faith, trust and confidence in the elections system in Ohio; and

Whereas, this resolution constitutes an emergency measure providing 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. this Council hereby supports Issues 2, 3, 4 and 5 which would reform Ohio's election laws to restore faith, trust and confidence in Ohio's election system.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Reform Ohio Now, 3886 N. High Street, Columbus, Ohio 43214.

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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1684-05.
By Council Member Brancatelli.
An emergency resolution objecting to a New C1 Liquor Permit at 3869 East 71st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mostopha Mechanic, Inc., 3869 East 71st Street, Cleveland, Ohio 44105, Permanent Number 6193754; 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 Mostopha Mechanic, Inc., 3869 East 71st Street, Cleveland, Ohio 44105, Permanent Number 6193754; 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1685-05.
By Council Member Brancatelli.
An emergency resolution objecting to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit to 5509 Fleet Avenue, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a D1, D2, D3 and D3A Liquor Permit at Good Time Tavern, Inc., DBA Good Time Tavern, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 3290405; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a D1, D2, D3 and D3A Liquor Permit at Good Time Tavern, Inc., DBA Good Time Tavern, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 3290405, 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1686-05.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 6029 Superior Avenue, and repealing Resolution No. 1326-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Shree Jai Mataji, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent No. 8112848, by Resolution No. 1326-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Shree Jai Mataji, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8112848, be and the same is hereby withdrawn and Resolution No. 1326-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1687-05.

By Council Member Cimperman.

An emergency resolution Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 625 East 140th Street, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Moes Stop One, Inc., 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 6081178 to Yellow Store LLC, DBA Sam's Food & Beverage, 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 9262365; 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 oper-

ated 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 C2 and C2X Liquor Permit from Moes Stop One, Inc., 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 6081178 to Yellow Store LLC, DBA Sam's Food & Beverage, 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 9262365; 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1688-05.

By Council Member Coats.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 18029 Euclid Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029

Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to New Foundation Real Estate Investment Corp., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6368876; 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, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to New Foundation Real Estate Investment Corp., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6368876; 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1689-05.**By Council Member Conwell.**

An emergency resolution withdrawing objection to the transfer of stock of a C2, C2X and D6 Liquor Permit at 11313 Euclid Avenue and repealing Resolution No. 1574-04, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a C2, C2X and D6 Liquor Permit to Noahe, Inc., DBA Boarding House Deli & Carry Out, 11313 Euclid Avenue, Cleveland, Ohio 44106, Permanent No. 6416022, adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a C2, C2X and D6 Liquor Permit to Noahe, Inc., DBA Boarding House Deli & Carry Out, 11313 Euclid Avenue, Cleveland, Ohio 44106, Permanent Number 6416022 be and the same is hereby withdrawn and Resolution No. 1574-04, 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1690-05.**By Council Member Jackson.**

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Road, and repealing Resolution No. 565-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5351-53 Dolloff Road by Resolution No. 565-05 adopted by the Council on March 28, 2005; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Your Place or Mine LLC, DBA Your Place or Mine, 5351-53 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 9862110 be and the same is hereby withdrawn and Resolution No. 565-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1691-05.**By Council Member Kelley.**

An emergency resolution withdrawing objection to the transfer of liquor license of a C2 and C2X Liquor Permit at 2180 Brookpark Road and repealing Resolution No. 1344-05, objecting to said transfer.

Whereas, this Council objected to the transfer of liquor license of a C2 and C2X Liquor Permit to Best RNA, Inc., DBA Value Dollar, 2180 Brookpark Road, Cleveland, Ohio 44134, Permanent No. 0669300, adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Best RNA, Inc., DBA Value Dollar, 2180 Brookpark Road, Cleveland, Ohio 44134, Permanent Number 0669300 be and the same is hereby withdrawn and Resolution No. 1344-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1692-05.**By Council Member Zone.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5110 Clark Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from United Petroleum Marketing LLC, DBA UPM #207, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 91610350020 to Harbs Marathon LLC, DBA Harbs Marathon 04, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 35909520015; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor

outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from United Petroleum Marketing LLC, DBA UPM #207, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 91610350020 to Harbs Marathon LLC, DBA Harbs Marathon 04, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 35909520015; 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1693-05.**By Council Member Zone.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5404 Storer Avenue, 1st floor and basement front.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Hammad Hammad,

DBA Economy, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 3554772 to 5404 Storer AM LLC, DBA Economy Market, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 2759350; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Hammad Hammad, DBA Economy, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 3554772 to 5404 Storer AM LLC, DBA Economy Market, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 2759350; 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 September 12, 2005.
Effective September 22, 2005.

Res. No. 1694-05.

By Council Member Zone.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 7520 Dudley Avenue, 1st floor, and repealing Resolution No. 1360-05 objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Hanin, Inc., 7520 Dudley Avenue, 1st floor, Cleveland, Ohio 44102, Permanent No. 3572800, by Resolution No. 1360-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Hanin, Inc., 7520 Dudley Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 3572800 be and the same is hereby withdrawn and Resolution No. 1360-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 12, 2005.
Effective September 22, 2005.

Res. No. 1695-05.

By Council Member Zone.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 5601 Clark Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Faik Mohammad, DBA Cleveland Food Market, 5601 Clair Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 6082332 to 5601 Clark Ave., Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 2759413; 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 C2 and C2X Liquor Permit from Faik Mohammad, DBA Cleveland Food Market, 5601 Clair Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 6082332 to 5601 Clark Ave., Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 2759413; 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 September 19, 2005.
Effective September 22, 2005.

Res. No. 1794-05.

By Council Members Coats, Zone, Conwell, Reed, Pierce Scott and Britt.

An emergency resolution declaring the week of September 26-30, 2005 as Race Equality Week and reaffirming Cleveland City Council's commitment to ensuring racial equality and justice and to working with the National League of Cities to sustain this commitment.

Whereas, the National League of Cities is committed to promoting racial equality and justice as a fundamental aspect of a healthy community; and

Whereas, the National League of Cities has urged local officials across the country to join together in a national campaign to promote racial equality and justice; and

Whereas, by resolution of the National League of Cities, we declare racism unjust and advocate equal rights for all; and

Whereas, by Act of Congress dated July 2, 1964, the Civil Rights Act of 1964 was adopted banning discrimination because of a person's color, race, national origin, religion, or sex; and

Whereas, by Act of Congress dated July 9, 1868, the 14th Amendment of the Constitution of the United States was adopted giving all persons born or naturalized in the United States the right to due process and equal protection under the law; and

Whereas, National League of Cities President Anthony A. Williams, Mayor, Washington, D.C., has invited local officials across the country to renew their commitment to ensuring racial equality and justice for all during the week of September 26-30, 2005, by reporting on successful programs and announcing specific action plans for the coming years; and

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

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

Section 1. That this Council hereby declares the week of September 26-30, 2005 as Race Equality Week in the City of Cleveland and urges all citizens of Cleveland to join together to support this effort.

Section 2. That this Council hereby reaffirms its commitment to ensuring racial equality and justice in Cleveland and to working with the National League of Cities to sustain this commitment throughout the country,

Section 3. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to 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 September 19, 2005.
Effective September 22, 2005.

Res. No. 1798-05.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 4829 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from S C S Enterprises, Inc., D.B.A. Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934 to Hotpoint, Inc., D.B.A. Marbles Grill & Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 3994740; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor

outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from S C S Enterprises, Inc., D.B.A. Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934 to Hotpoint, Inc., D.B.A. Marbles Grill & Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 3994740; 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 September 19, 2005.
Effective September 22, 2005.

Res. No. 1799-05.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1187 Old River Road and Patio.

Whereas, Council has been notified by the Department of Liquor

Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from 1187 Old River Road, Inc., D.B.A. Porkey's Café in the Flats, 1187 Old River Road and Patio, Cleveland, Ohio 44113, Permanent Number 6548831 to Dennis Valentin, D.B.A. Cleveland Coyote, 1187 Old River Road and Patio, Cleveland, Ohio 44113, Permanent Number 91900970005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from 1187 Old River Road, Inc., D.B.A. Porkey's Café in the Flats, 1187 Old River Road and Patio, Cleveland, Ohio 44113, Permanent Number 6548831 to Dennis Valentin, D.B.A. Cleveland Coyote, 1187 Old River Road and Patio, Cleveland, Ohio 44113, Permanent Number 91900970005; 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 September 19, 2005.
Effective September 22, 2005.

Ord. No. 943-05.

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

An emergency ordinance providing for the issuance and sale of Taxable Urban Renewal Temporary Refunding Bonds in the principal amount not to exceed \$4,375,000 for the purpose of (1) refunding outstanding Taxable Urban Renewal Notes, Series 2003 which were issued to refund outstanding Taxable Urban Revenue Notes, Series 2002 issued for the purpose of acquiring property for Urban Renewal Project Activities and (2) paying certain costs of issuance of said Refunding Bonds; and authorizing related matters.

Whereas, under Article VIII, Section 13 of the Ohio Constitution and Chapter 725 of the Ohio Revised Code (the "Act"), the City has the power to undertake and carry out urban renewal projects pursuant to urban renewal plans approved by the City from time to time, and the City has undertaken and carried out and intends to undertake and carry out urban renewal activities for the elimination of blight and for the prevention of the development and spread of blight and deterioration within its designated urban renewal areas; and

Whereas, the City has undertaken a program for the clearance and reconstruction of blighted areas within its boundaries and, in connection therewith, is engaged in carrying out the following development projects: (a) the Erievue II Neighborhood Development Plan No. Ohio A-8 (the "Erievue II Development Plan") in an area bounded generally on the north by Lakeside Avenue, on the east by East 17th Street, on the south by Superior Avenue, and on the west by East 12th Street (the "Erievue II Plan Area") and (b) the Erievue I Renewal Project No. Ohio R-36 (the "Erievue I Development Plan") in an area bounded generally on the north by Lakeside Avenue, on the east by East 14th Street on the south by Chester Avenue and on the west by East 6th Street (the "Erievue I Plan Area"), which Erievue I Development Plan and Erievue II Development Plan (together the "Development Plans") remain in force and effect; and

Whereas, the Council of the City, by Ordinance Nos. 1634-73 and 2428-60, passed on April 8, 1974, and December 12, 1960, respectively, as amended from time to time, designated the Erievue II Plan Area and the Erievue I Plan Area (collectively, the "Plan Areas") as blighted areas and encouraged the redevelopment of certain parcels within the Plan Area in accordance with the requirements of the Development Plans in order to prevent the recurrence or spread of conditions of blight; and

Whereas, pursuant to Ordinance No. 1108-87, passed June 8, 1987, as amended by Ordinance No. 3012-88, passed February 6, 1989, and Ordinance No. 1374-91, passed June 17, 1991, and Ordinance No. 1713-91,

passed August 21, 1991, the Director of Community Development entered into certain agreements (the "Agreements") with Jacobs, Visconsi & Jacobs Co. and its assignees (the "Redeveloper"), relating to the redevelopment of certain real property in the Plan Areas; and

Whereas, the Agreements, as amended, provide that in the event of a default under the Agreements, the City is entitled to repurchase Parcels 22-A-2, 9-B, and the additional properties (collectively, the "Properties"), as defined in and pursuant to the terms and conditions set forth in the Agreements; and

Whereas, pursuant to Ordinance No. 168-A-01, passed August 15, 2001, the City: (1) exercised its rights to repurchase the above-referenced Properties as provided in the Agreements and purchased the Properties; and (2) pursuant to Article VIII, Section 13 of the Ohio Constitution and the Act, and particularly Section 725.05(C) of the Revised Code, the City issued Urban Renewal Temporary Bonds captioned \$4,200,000 City of Cleveland, Ohio Taxable Urban Renewal Notes, Series 2001 (the "Prior Bonds"), dated November 1, 2001 and maturing on November 1, 2002, in the principal amount of \$4,200,000 for the purpose of paying costs of carrying out urban renewal project activities in the Plan Areas in accordance with the Development Plans and the Act, including without limitation, direct and indirect costs of acquiring the Properties, preparing the Properties for redevelopment, title, appraisal, planning, engineering and legal costs related thereto, and paying Financing Costs (as defined below) related to issuing the Prior Bonds (the "Project"); and

Whereas, pursuant to Ordinance No. 1709-02 dated September 16, 2002 the City issued its \$4,250,000 Taxable Urban Renewal Refunding Notes, Series 2002 ("Prior Bonds Series 2002") to currently refund all of the Prior Bonds; and

Whereas, pursuant to Ordinance No. 1181-03 dated July 16, 2003 the City issued its \$4,300,000 Taxable Urban Renewal Refunding Notes, Series 2003 ("Prior Bonds Series 2003") to currently refund the Prior Bonds Series 2002; and

Whereas, the City now has determined to issue Temporary Bonds to refund the Prior Bonds Series 2003 and to pay Financing Costs; and

Whereas, it is necessary to issue the Urban Renewal Temporary Refunding Bonds (the "Temporary Bonds") herein authorized and to do so as soon as possible in order to timely retire the Prior Bonds Series 2003 and to take advantage of current market interest rates, thereby preserving the credit of the City and reducing debt service payable by the City, and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance including its preambles, unless the context or

use clearly indicates another or different meaning or intent:

"Book entry form" or "Book entry system" means a form or system under which (a) the ownership of book entry interests in the Temporary Bonds and the principal of and interest on the Temporary Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the physical Bond certificates "immobilized" in the custody of the Depository or its agent. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Bond Registrar. The book entry is the record that identifies, and records the transfer of the interests of, the owners of beneficial (book entry) interests in the Temporary Bonds.

"Certificate of Award" means the certificate authorized by Section 3, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Temporary Bonds and their amount, issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined in it.

"Continuing Disclosure Certificate" means the certificate authorized by Section 12 which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Temporary Bonds in accordance with the Rule.

"Credit Support Instrument" means a letter of credit, an insurance policy, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Temporary Bonds.

"Debt Retirement Fund" means the Urban Renewal Debt Retirement Fund established pursuant to Section 10.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in Temporary Bonds or the principal of and interest on the Temporary Bonds, and to effect transfers of Temporary Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Financial Advisor" means either or both of Government Capital Management, LLC and Columbia Equity Financial Corp.

"Financing Costs" has the meaning provided in Section 133.01 of the Revised Code.

"Nontax Revenues" means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt charges on the Temporary Bonds, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment

earnings on the City's General Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

"Original Purchaser" means the original purchasers of the Temporary Bonds: SBK-Brooks Investment Corp., and A.G. Edwards.

"Proceedings" means collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Certificate and such other proceedings of the City, including the Temporary Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Temporary Bonds.

"Revenues" means, to the extent not otherwise pledged for the repayment of the City's Parking Facilities Refunding Revenue Bonds, Series 1996, and to the extent available to pay debt charges on the Temporary Bonds, any rentals received under leases made by the City with respect to the Project properties, all proceeds from the sale or other disposition of the Project properties and any urban renewal service payments collected from any of the Project properties.

"Rule" means SEC Rule 15c2-12.

"State" means the State of Ohio.

"Temporary Bonds" means the Temporary Bonds authorized by this Ordinance.

Unless otherwise indicated, any reference to a Section is a reference to a Section of this Ordinance.

Section 2. Authorized Principal Amount and Purpose. This Council determines that (i) the Project is consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution; (ii) the Project is in furtherance of the purposes of the Act and will benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State; and (iii) it is necessary for the City to issue the Temporary Bonds pursuant to Section 13 of Article VIII of the Ohio Constitution and Sections 725.05(C) and 725.07 of the Act in the principal amount not to exceed \$4,375,000 to retire the Prior Bonds Series 2003 which were originally issued to retire the Prior Bonds Series 2002 and to pay costs of the Project.

Section 3. Terms of Temporary Bonds. The Temporary Bonds shall be dated the date of issuance or such other date as is designated in the Certificate of Award but not later than October 30, 2005. The Temporary Bonds shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with the Director of Finance's determination of the best interest of and financial advantages to the City, provided that such date shall not be later than five years from the date of issuance of the Temporary Bonds. The Temporary Bonds shall bear interest from their date at the rate or rates per annum set forth in the Certificate of Award, or if any Tem-

porary Bonds bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Temporary Bonds shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or payment is provided for. If any Temporary Bonds bear interest at a fixed rate or rates, those rates shall not exceed eight percent (8%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Temporary Bonds bear interest at a variable rate or rates, those rates shall not exceed that set forth below, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

In the event that the Director of Finance based on the written advice of the Financial Advisor determines that the City's best interests will be served by causing all or a portion of the Temporary Bonds to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Temporary Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Temporary Bonds shall not bear interest at a rate in excess of sixteen percent (16%) per annum; provided further that the maximum interest rate for variable rate Temporary Bonds during any period those Temporary Bonds are held by a provider of a Credit Support Instrument because they could not be remarketed shall be twenty-five percent (25%). Holders of variable rate Temporary Bonds may be given the right to tender their variable rate Temporary Bonds for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Temporary Bond. If the Director of Finance designates any Temporary Bonds as variable rate Temporary Bonds, and if the holders of the variable rate Temporary Bonds are to be entitled to tender the variable rate Temporary Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Temporary Bonds the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance that the parties so designated possess the requisite resources and experience to provide

the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Temporary Bonds, and from time to time thereafter so long as the variable rate Temporary Bonds are outstanding with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents (which may be the Original Purchaser), and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Temporary Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Temporary Bonds, and regardless of the Temporary Bonds bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument and to pay the costs of it from proceeds of the Temporary Bonds, if the Director of Finance based on the written advice of the Financial Advisor determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 4. Payment of Debt Charges on the Temporary Bonds. The debt charges on the Temporary Bonds shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for the services of the Registrar as the City's paying agent, if agreed to by the Original Purchaser, the Temporary Bonds shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in this Ordinance and the Certificate of Award.

If fewer than all of the Temporary Bonds of a single maturity are to be redeemed, the selection of Temporary Bonds of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination (as set forth in Section 8 hereof) or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Temporary Bonds by lot when Temporary Bonds of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination shall be treated as if it were a separate Temporary Bond of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Tem-

porary Bonds are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Temporary Bond shall surrender the Temporary Bond to the Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Temporary Bond or Temporary Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Temporary Bond surrendered.

The notice of the call for redemption of Temporary Bonds shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Temporary Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Temporary Bond subject to redemption in whole or in part at the registered owner's address shown on the Register (as defined in Section 5) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Temporary Bond, however, shall not affect the validity of the proceedings for the redemption of any Temporary Bond.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Temporary Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Temporary Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Temporary Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall

be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Temporary Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Temporary Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Temporary Bonds.

Section 5. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent and paying agent for the Temporary Bonds after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") substantially in the form contained in File No. 943-05-A, with such changes as approved by the Director of Law. In the event that a trust agreement secures the Temporary Bonds, as provided in Section 10, the Registrar Agreement may be incorporated in such trust agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Temporary Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

The Temporary Bonds shall be issued only as fully registered Temporary Bonds. Principal on the Temporary Bonds shall be payable when due upon presentation and surrender of the Temporary Bonds at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Temporary Bond shall be paid on each interest payment date by check or draft mailed to the person in whose name the Temporary Bond was registered, and to that person's address appearing on the Register (defined below in this Section) at the close of business on the 15th day of the calendar month next preceding that interest payment date or such other date established in the Certificate of Award if variable rate Temporary Bonds are issued. The City will cause the Registrar to maintain and keep all books and records necessary for the registration, exchange, and transfer of Temporary Bonds as provided in this Section (the "Register") so long as any of the Temporary Bonds remain outstanding. Subject to the provisions of this Section, the person in whose name a Temporary Bond is registered on the Register shall be regarded as the absolute owner of that Temporary Bond for all purposes of the Proceedings (except as may otherwise be required with respect to the

City's continuing disclosure agreement pursuant to the Rule). Payment of or on account of the debt charges on any Temporary Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Temporary Bond, including interest, to the extent of the amount or amounts so paid.

Notwithstanding the foregoing, if and so long as the Temporary Bonds are issued in a book entry system, principal of and interest on the Temporary Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Section 6. Transfer and Exchange of Certain Temporary Bonds. Temporary Bonds may be exchanged for Temporary Bonds of any authorized denomination upon presentation and surrender at the office designated by the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Temporary Bond may be transferred only on the Register, upon presentation and surrender of the Temporary Bond at the office designated by the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate, and deliver a new Temporary Bond or Temporary Bonds, of any authorized denomination or authorized denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Temporary Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Temporary Bonds only after the new Temporary Bonds are signed by the authorized officers of the City. In all cases of Temporary Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Temporary Bonds in accordance with the provisions of the Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Temporary Bonds issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same obligation, and entitled to the same security and benefit under the proceedings, as the Temporary Bonds surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be

required to make any exchange or transfer of a Temporary Bond during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Temporary Bonds and ending at the close of business on the day of such mailing or to transfer or exchange any Temporary Bond selected for redemption in whole or in part.

Section 7. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interest of and financially advantageous to the City, the Temporary Bonds may be issued in book entry form in accordance with the provisions of this Section.

The Temporary Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Temporary Bonds may be issued in the form of a single, fully registered Temporary Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners of Temporary Bonds in book entry form shall have no right to receive Temporary Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Temporary Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Temporary Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Temporary Bonds from the Depository, and authenticate and deliver certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance also is hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Temporary Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 8. Execution of Temporary Bonds. Temporary Bonds shall be signed by the Mayor and the Direc-

tor of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Temporary Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Proceedings unless and until the certificate of authentication printed on the Temporary Bond is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Temporary Bond so authenticated has been duly issued, signed and delivered under and is entitled to the security and benefit of the Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Temporary Bonds.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Temporary Bonds and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature. The Temporary Bonds shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single bond certificate and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Temporary Bonds. The Temporary Bonds may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Temporary Bonds in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interest of the City. The Temporary Bonds shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 9. Sale of Temporary Bonds. The Temporary Bonds shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Temporary Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing

as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing the sale to the Original Purchaser, cause the Temporary Bonds to be prepared, and have the Temporary Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Temporary Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a bond purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in substantially the form contained in the file referenced above with such changes therein not inconsistent with the terms of this Ordinance and not substantially adverse to the City as approved by the Director of Finance and Director of Law, such approval to be conclusively evidenced by the execution of the Purchase Agreement by such officers. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Temporary Bonds to the extent available and then from other money lawfully available and appropriated or as may be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk of Council, the Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 10. Security for the Temporary Bonds. The Temporary Bonds shall be special obligations of the City, and the debt charges on the Temporary Bonds shall be payable solely from the Revenues and the Nontax Revenues. The Payment of debt charges on the Temporary Bonds is secured by a pledge of and lien on (i) the Revenues and (ii) the Nontax Revenues which are on deposit in the Urban Renewal Debt Retirement Fund created below. The Temporary Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Temporary Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges thereon. The Temporary Bonds shall contain a statement to that effect and to the effect that the Temporary Bonds are payable solely from the Revenues and the Nontax Revenues and are not secured by an obligation or pledge of any money raised by taxation.

The City covenants and agrees that while the Temporary Bonds are outstanding, it will appropriate and maintain Nontax Revenues at such times and in such amounts as will be sufficient, together with the Revenues and any other funds available

or to be available for the purpose (including proceeds of refunding obligations), to pay the debt charges on the Temporary Bonds and will so restrict other obligations payable from Nontax Revenues prior to or on a parity with the Temporary Bonds as will ensure the continuing availability for appropriation of sufficient Nontax Revenues to pay debt charges when due, which Nontax Revenues are hereby selected by the City pursuant to Section 725.05(C) 725.07 of the Revised Code as moneys that are not raised by taxation.

There is hereby created by the City a separate fund or account designated as the "Urban Renewal Debt Retirement Fund" (the "Debt Retirement Fund") into which shall be deposited (i) the Revenues upon receipt, and (ii) other Nontax Revenues, and any other funds available for the purpose, on or prior to the date debt charges on the Temporary Bonds are due, in an amount sufficient to pay those debt charges. Any Revenues remaining after payment or provision for payment, of all debt charges on the Temporary Bonds shall be deposited to the extent not otherwise pledged or encumbered in the Housing Trust Fund (Fund No. 14 SF 027).

Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Temporary Bonds any funds or revenues from any source other than the Revenues and the Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Temporary Bonds.

The City will, solely from the proceeds of the Temporary Bonds or from the Revenues or the Nontax Revenues, pay or cause to be paid the debt charges on the Temporary Bonds on the dates, at the places and in the manner provided herein and in the Temporary Bonds. For that purpose, in each year while the Temporary Bonds are outstanding, this Council, after providing for the payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate Nontax Revenues required to pay, and for the purpose of paying the debt charges due in that year on the Temporary Bonds and any outstanding parity obligations payable from Nontax Revenues. Further, this Council will give effect to such appropriations in all ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt charges. The City covenants that, so long as any of the Temporary Bonds are outstanding, it shall not issue any additional obligations payable from the Nontax Revenues on a parity with the Temporary Bonds and any outstanding parity obligations payable from Nontax Revenues, unless, prior to passage

of the ordinance authorizing such parity obligations, the Director of Finance shall have certified to this Council that the Nontax Revenues during the preceding calendar year, adjusted to reflect, if necessary, changes in the rates or charges resulting in the Nontax Revenues, aggregate in amount not less than 100% of the highest amount of (a) debt charges on the Temporary Bonds to be paid from Nontax Revenues and (b) required payments on such proposed parity obligations and any outstanding parity obligations due in any succeeding calendar year.

Each obligation of the City required to be undertaken pursuant to this Ordinance and the Temporary Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation as a duty of the City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Revised Code, providing for enforcement by writ of mandamus.

In the event that the interest on the Temporary Bonds is to be provided for from Temporary Bond proceeds, or if in the judgment of the Director of Finance, based on the written advice of the Financial Advisor, a debt service reserve to secure the Temporary Bonds is in the best interest of and financially advantageous to the City, the City shall enter into a trust agreement with the bank or trust company serving as Registrar for the Temporary Bonds and providing for the Debt Retirement Fund or a debt service reserve fund, as applicable, to be held by that bank or trust company, in its capacity as trustee, and such fund or funds are hereby authorized. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the trust agreement in a form consistent with this Ordinance and approved by the Director of Law. The Mayor and the Director of Finance and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Temporary Bonds. The City hereby covenants and agrees to appropriate annually from the Revenues and the Nontax Revenues into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 11. Deposit of Proceeds. The proceeds from the sale of the Temporary Bonds are appropriated and shall be used for the purpose for which the Temporary Bonds are being issued. The proceeds from the sale of the Temporary Bonds (exclusive of amounts to be used to pay Financing Costs which shall be deposited in a separate Costs of Issuance Account) shall be deposited in the Debt Retirement Fund to be used to refund the Prior Bonds Series 2003 and, if applicable, to pay interest on the Temporary Bonds; provided that any portion of the proceeds of the Temporary Bonds to be used to make a required deposit to

a debt service reserve fund shall be paid into the debt service reserve fund created pursuant to Section 10. Any premium not used to pay costs of issuance and accrued interest received from the sale of the Temporary Bonds shall be deposited in the Debt Retirement Fund.

Section 12. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Temporary Bonds, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Temporary Bonds, (iv) notwithstanding the requirements of, and as an exception to, Codified Ordinance 177.01(a), contract with a printer to print the Official Statement, and (v) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Temporary Bonds, the City agrees, as the only obligated person with respect to the Temporary Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose and thereby to implement that agreement, including provisions for enforcement, amendment, and termination, the Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City,

shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Section 13. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Financial Advisor, the filing of an application for a rating on the Temporary Bonds by one or more nationally recognized rating agencies or a Credit Support Instrument is in the best interest of, and financially advantageous to the City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or credit provider such information as may be required for the purpose. The cost of obtaining each rating and Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Temporary Bonds.

Section 14. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Temporary Bonds, the Director of Finance may, based on the written advice of the Financial Advisor, enter into one or more agreements in connection with or subsequent to the issuance of the Temporary Bonds for an interest rate swap, an interest rate cap or other such arrangement to lower the effective interest rate on the obligation to the City or, to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the debt structure that is simulated through the combination of the Temporary Bonds with any such agreements shall comply with the restrictions of this Ordinance on the terms of and security for the Temporary Bonds applied to that structure as though it consisted solely of Temporary Bonds; (ii) the counterparty to any swap agreement and the provider of any interest rate cap shall have a rating of at least "A" by either Moody's Investors Service, Inc. or Standard & Poor's Corporation; (iii) no such agreement shall purport to entitle the counterparty to the agreement to payment by the City from any source other than the sources which secure the Temporary Bonds as described in this Ordinance; and (iv) the cost of obtaining any such interest rate cap or other such arrangement shall have been determined by the Director of Finance, based on the written advice of the Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions. The notional amount on which any such agreement is based shall not be subject to the limitations set forth herein on the maximum principal amount of the Temporary Bonds.

Section 15. Covenants. In the event that the Temporary Bonds are issued and sold as obligations bearing interest that is excluded from gross income for federal income tax purposes, the covenants in this Section 15 shall govern. However, if the Temporary Bonds are issued and sold as obligations bearing interest

that is included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section with respect to the Temporary Bonds.

Subject to the foregoing, the City covenants that it will use and will restrict the use and investment of, the proceeds of the Temporary Bonds in such manner and to such extent as may be necessary so that (a) the Temporary Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Temporary Bonds will not be treated as an item of tax preference under Section 57 of the Code. The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Temporary Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Temporary Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Temporary Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Temporary Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Temporary Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Temporary Bonds, and (c) to give

one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Temporary Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Temporary Bonds, the facts, circumstances and estimates on which they are based and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Temporary Bonds.

Section 16. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Temporary Bonds authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would impair the obligation of contract of the City with respect to any outstanding bonds, Temporary Bonds, certificate of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 18. Satisfaction of Conditions. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Temporary Bonds in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of deliver of the Temporary Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Temporary Bonds.

Section 19. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 20. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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 September 19, 2005.

Effective September 20, 2005.

Ord. No. 1024-05.

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 repair treelawns and perform other landscaping services at various Water and Water Pollution Control facilities, for the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair treelawns and perform other landscaping services at Baldwin Treatment Plant, Fairmount Pumping Station, Kirtland Pumping Station, Garrett Morgan Treatment Plant, Crown Water Treatment Plant, Nottingham Water Treatment Plant, Parma Heights Waterworks Facility, Cardinal Midszenty Plaza, Harvard Distribution and Maintenance Facility, the Water Pollution Control Headquarters located on Kirby Avenue, and the Front Street station, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159438)

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 September 19, 2005.

Effective September 20, 2005.

Ord. No. 1301-05.

By Council Member Cimperman. An emergency ordinance to designate West 2nd Street from Prospect Avenue to Huron Road as "East Tower City Drive" as a secondary and honorary designation and to designate West 3rd Street from Prospect Avenue to Huron Road as "West Tower City Drive" as a secondary and honorary designation.

Whereas, designating West 2nd Street from Prospect Avenue to Huron Road as "East Tower City Drive" and designating West 3rd Street from Prospect Avenue to Huron Road as "West Tower City Drive" will result in improved recognition of these streets and better reflect their locations within Cleveland's Tower City District; 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 provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, West 2nd Street from Prospect Avenue to Huron Road shall also be known as "East Tower City Drive" as a secondary and honorary designation.

Section 2. That notwithstanding any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, West 3rd Street from Prospect Avenue to Huron Road shall also be known as "West Tower City Drive" as a secondary and honorary designation.

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

Passed September 19, 2005.

Effective September 20, 2005.

Ord. No. 1491-05.

By Mayor Campbell. An emergency ordinance to amend Sections 1, 2, and 3 of Ordinance No. 651-05, passed April 25, 2005, relating to authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the City of Brecksville, between Oakes Road and Metro Parks Boulevard to the City of Brecksville.

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, 2, and 3 of Ordinance No. 651-05, passed April 25, 2005, are amended to read as follows:

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a part of Permanent Parcel No. 603-14-004 is no longer needed for public use, consisting of one hundred and nine (109) acres, contiguous to the City of Brecksville's

recreation center and running between Oakes Road and Metropolitan Park Boulevard west to the Broadview Heights city limit. The Director of Parks, Recreation and Properties shall cause a legal description to be prepared to describe said part of Permanent Parcel No. 603-10-004 to be placed in file No. 651-05-A.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the City of Brecksville at a price not less than fair market value as determined by the Board of Control, which shall not be less than \$4,360,000.00 taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by limited warranty deed, or other appropriate deed, prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed 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. The City of Cleveland shall retain an easement in perpetuity for Cleveland's existing utility lines and the Division of Water's tower site and communications antenna. The conveyance shall include a deed restriction to read as follows:

'Grantee agrees that the Property shall be used in perpetuity exclusively for municipal, municipally-related, and all other governmental purposes, including but not limited to recreational and cemetery uses. The Property shall not be used for residential, commercial, or industrial development. In the event the Property is used for other than a municipal, municipally-related or governmental purpose, and Grantee persists in said use after being notified in writing by Grantor to cease said use in excess of sixty (60) days from the date of the receipt of the aforesaid notice, the subject Property shall revert to Grantor. The duration of this restriction may be shortened at the discretion of the Grantor, if permitted by legislation, at any time during the time this restriction is in effect. In addition, the Grantee may be permitted to utilize all or part of the Property for uses not otherwise permitted by this restriction only upon the express written permission of the Grantor, if permitted by legislation, and only upon such terms and conditions as may be permitted by the Grantor.'

Section 2. That existing Sections 1, 2, and 3 of Ordinance No. 651-05, passed April 25, 2005, 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 September 19, 2005.

Effective September 20, 2005.

Ord. No. 1494-05.

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

An emergency ordinance to make additional appropriations of Six Million Eight Hundred Thousand Dollars (\$6,800,000) of the Enterprise Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of Six Million Eight Hundred Thousand Dollars (\$6,800,000) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

ENTERPRISE FUNDS	\$6,800,000
TOTAL ALL FUNDS	\$6,800,000

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Division of Cleveland Public Power		\$6,800,000
II Other Expenditures	\$6,800,000	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$6,800,000	\$6,800,000
TOTAL ENTERPRISE FUNDS	\$6,800,000	\$6,800,000

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

Passed September 19, 2005.

Effective September 20, 2005.

Ord. No. 1518-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. to implement housing rehabilitation, new housing construction, and commercial redevelopment loan and grant programs.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) to implement housing rehabilitation, new housing construction, and commercial redevelopment loan and grant programs in the City of Cleveland.

Section 2. That the aggregate cost of the contracts shall not exceed \$2,100,000.00, and shall be paid from Fund Ns. 14 SF 030, No. 149515.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1519-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with EDEN, Inc., or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance Emerald Commons housing project; and authorizing the director to enter into a HOME loan with EDEN, Inc., or its designee, to provide financial assistance for the Emerald Commons housing project.

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 Emerald Development and Economic Network, Inc. ("EDEN, Inc."), or its designee, to provide financial assistance to partially finance the Emerald Commons housing project.

Section 2. That the terms of the loan shall be determined by the Director of Community Development in accordance with Federal regula-

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

Section 4. 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 5. 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 6. 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 7. That the Director of Law is authorized to prepare the contract and any other documents as may be appropriate to complete the transactions.

Section 8. That the Director of Community Development is authorized to enter into a HOME Loan with EDEN, Inc., or its designee, to provide financial assistance for the Emerald Commons housing project.

Section 9. That the cost of the float loan authorized in Section 1 of this ordinance shall not exceed \$4,900,000 and shall be paid from

Fund No. 14 SF 810, and the cost of the HOME loan authorized in Section 8 of this ordinance, shall not exceed \$950,000 and shall be paid from Fund No. 13 SF 955, Request No. 149513.

Section 10. 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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1522-05.
By Mayor Campbell and Council Member Polensek.

An ordinance repealing Ordinance No. 2449-02, passed December 16, 2002, relating to an Enterprise Zone Agreement with Tops Market, LLC to construct a new supermarket located at 18501 Neff Road.

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

Section 1. That Ordinance No. 2449-02, passed December 16, 2002, is repealed.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed September 19, 2005.

Effective October 29, 2005.

Ord. No. 1528-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Harlem Avenue to Pasko Perkovic.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-23-042, as more fully described below, to Pasko Perkovic.

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

P. P. No. 104-23-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 152 in C. A. Post's Subdivision of part of Original Ten Acre Lots Nos. 127, 128 and 129, as shown by the recorded plat in Volume 11 of Maps, Page 37 of Cuyahoga County Records, and being 30 feet front on the Southeastly side of Harlem Avenue, N.E., (formerly Harlem Street) and extending back between parallel lines 133.59 feet to an alley in the rear, as appears by said plat.

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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1529-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Lockyear Avenue to Cecelia White Pinkston.

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). 105-29-033, as more fully described below, to Cecelia White Pinkston.

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

P. P. No. 105-29-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 21 in the Subdivision by the Heirs of Michael Becker of part of Original One Hundred Acre Lot No. 345, as shown by the recorded plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records, and being 34 feet front on the Southerly side of Lockyear Avenue and extending back 120 feet on the Easterly line, 120 feet on the Westerly line, and having a rear line of 34.09 feet, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed September 19, 2005.

Effective September 22, 2005.

Ord. No. 1535-05.

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 Home Builders Association of Greater Cleveland or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-03-008 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 108-03-008

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. 368, and bounded and described as follows:

Beginning on the Westerly line of East 91st Street (50 feet wide), at its intersection with the Northerly line of Stewart Avenue N.E., 40 feet wide; thence North 21° 03' West along said Westerly line of East 91st Street, 38 34/100 feet; thence South 68° 57' 20" West, 115 feet; thence South 21° 03' East, 38 34/100 feet to the said Northerly line of Stewart Avenue N.E.; thence North 68° 51' 20" East along said Northerly line of Stewart Avenue N.E., 115 feet to the place of beginning, and further known as Sublot No. 3 in the R. and L. Duchon proposed Subdivision of part of Original One Hundred Acre Lots Nos. 360 and 368, according to the survey made by A.A. Soffen, Civil Engineer, November 28, 1923, 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. 108-07-051 as more fully described below to Home Builders Association of Greater Cleveland or designee.

Section 4. 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. 108-07-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 7 feet of Sublot No. 8 and the Southerly 46 feet of Sublot No. 9 in G.S. Wheaton's Re-Allotment of part of Original One Hundred Acre Lot Nos. 360 and 368, as shown by the recorded plat in Volume 7 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northeasterly line of East 96th Street at the Southwesterly corner of land conveyed to Rudolph Sydow and Hulda Sydow by deed dated March 1, 1895, and recorded in Volume 589, Page 633 of Cuyahoga County Records; thence Southeasterly along the Northeasterly line of East 96th Street, 53 feet to the Northwesterly corner of land conveyed to Sarah Riley by deed dated December 26, 1902, and recorded in Volume 871, Page 309 of Cuyahoga County Records; thence Northeasterly along the Northwesterly line of land so conveyed, about 139.96 feet to the Easterly line of Sublot No. 8 and 9; thence Northeasterly, along said Southeasterly lines of Sublot Nos. 8 and 9 about 57.12 feet to the Northeasterly corner of land conveyed to Rudolph and Hulda Sydow as first aforesaid; thence Southwesterly along the Northwesterly line of land so conveyed, about 160.40 feet to the place of beginning, as appears by said plat.

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. 108-08-091 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 108-08-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 114 in W.H. Van Tine, Jr. Trustee's Allotment of part of Original One Hundred Acre Lots Nos. 361 and 369 as shown by the recorded plat in Volume 17 of Maps, Page 29 of Cuyahoga County Records, and being 44.65 feet front on the Westerly side of East 102nd Street (formerly Eldridge Street) and extending back 122.50 feet on the Northerly and Southerly lines, 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 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. 108-14-099 as more fully described, to Home Builders Association of Greater Cleveland or designee.

Section 8. 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. 108-14-099

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. 362, bounded and described as follows:

Beginning on the Easterly line of a parcel of land conveyed by George G. Shumway and wife, to Cora Linn Levin, by deed dated April 13, 1894, and recorded in Volume 553, Page 179 of Cuyahoga County Records, which said Easterly line is parallel with and 435 feet Westerly, at right angles from the Easterly line of Original One Hundred Acre Lot No. 362, at a point, 140.67 feet Northerly, from the intersection of said Easterly line with the centerline of St. Clair Avenue, N.E.; thence Northerly, along said Easterly line, 40 feet; thence Westerly, parallel with the center line of St. Clair Avenue, N.E., 152.56 feet to the Easterly line of East 107th Street, as shown by the recorded plat of William Ambler's Subdivision, recorded in Volume 38 of Maps, Page 23 of Cuyahoga County Records; thence Southerly, along said Easterly line of East 107th Street, 40 feet; thence Easterly parallel with the center line of St. Clair Avenue, H.E., 152.56 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 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. 108-31-002 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 108-31-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to-wit: And known as being part of Original One Hundred acre lot No. 371 and bounded and described as follows:

Beginning in the Westerly line of Lakeview Road, N.E. 60 feet wide at a point distant North 8°-40'-05", West measured along said Westerly line of Lakeview Road 92-50/100 feet from the Northeasterly corner of Sublot No. 58 in the Realty underwriters Company's Lakeview Road Subdivision as recorded in Volume 63 of Maps, Page 30 of Cuyahoga County records, thence North 8°-40'-05" West along the Westerly line of Lakeview Road 45-38/100 feet to a point, thence North 89°-38'-15" West and parallel, to said Northerly line of said Subdivision 217-49/100 feet to a point; thence South 05°-33'-35" East about 45.06 feet to a point; thence North 89°-38'-15" East 219.96 feet to the place of beginning, according to the survey by the William H. Evers, Engineering Company dated June, 1923, as appears by

said plat, be the same more or less but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-04-094 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-04-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 532 in the Schatzinger Superior Park No. 3 Subdivision of part of Original One Hundred Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 37 of Maps, Page 17 of Cuyahoga County Records and forming a parcel of land 40 feet front on the Northerly side of Pierpont Avenue and extending back between parallel lines 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 109-13-017 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-13-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 206 and 207 in The John W. Taylor and Company's Douglas Park Subdivision of part of Original One Hundred Acre Lot No. 370, as shown by the recorded plat of said Subdivision in Volume 22 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly side of Parkwood Drive, N.E., (formerly Parkwood Boulevard), at its intersection with the Southerly line of Gooding Avenue, N.E.; thence Southerly along the Westerly line of Parkwood Drive, N.E., 57 feet 6 inches; thence Westerly parallel with the Southerly line of said Sublot No. 207, 119 feet; thence Northerly and parallel with the Westerly line of Sublots Nos. 206 and 207, a distance of 57 feet 6 inches to the Southerly line of Gooding Avenue, N.E.; thence Easterly along the Southerly line of Gooding Avenue, N.E., 119 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Covenantants and restrictions in Volume 1719, Page 570 of Cuyahoga County Records. Rights of Way in Volume 2033, Page 195. Right of Way in Volume 2033, Page 197.

Subject to Zoning Ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-20-004 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-20-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Realty Underwriters Company's Lake View Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 63 of Maps, Page 30 of Cuyahoga County Records, and being 48.50 feet front the Westerly side of Lakeview Road, N.E., and extending back 100.69 feet deep on the Southerly line, 93.37 feet deep on the Northerly line, which is also the Southerly line of Greenview Avenue, N.E., and having a rear line of 48 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-20-005 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-20-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in the Realty Underwriters Company's Lake View Road Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 63 of Maps, Page 30 of Cuyahoga County Records, and being 46.93 feet front on the Westerly line of Lakeview Road, N.E., and extending back of equal width, 107.74 feet deep on the Southerly line, 100.69 feet deep on the Northerly line and 46.35 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.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-05-077 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-05-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 12 in Canfield's Allotment

of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat in Volume 8 of Maps, Page 7 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 99th Street (formerly Robinson Avenue) at the Southeastern corner of said Sublot No. 12, thence Northerly along said Westerly line of East 99th Street, 50 feet to the Northeastern corner of said Sublot No. 12; thence Westerly along the Northerly line of said Sublot No. 12, about 168.50 feet to the Easterly line of land conveyed to J.H. Salisbury by deed dated February 11, 1874, and recorded in Volume 228, Page 382 of Cuyahoga County Records. Thence Southerly along the Easterly line of land so conveyed to J.H. Salisbury to its point of intersection with the Southerly line of said Sublot No. 12, thence Easterly along the Southerly line of said Sublot No. 12, about 165 feet 2 inches to the place of beginning, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-05-078 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-05-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 in Canfield's Allotment of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat of said Allotment in Volume 8 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 99th Street (formerly Robinson Avenue) at the Northeastern corner of said Sublot No. 11; thence Southerly along said Westerly line of East 99th Street, 50 feet to the Southeastern corner of said Sublot No. 11; thence Westerly along the Southerly line of said Sublot No. 11 about 168 feet to the Easterly line of land conveyed to J.H. Salisbury by deed dated February 11, 1874, recorded in Volume 228, Page 302 of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to J.H. Salisbury to the Northerly line of said Sublot No. 11; thence Easterly along said Northerly line of Sublot No. 11, about 170 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-27-114 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 24. That the real property to be sold pursuant to this Ordina-

nance is more fully described as follows:

P. P. No. 108-27-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 109 in The Cleveland Realty's Subdivision of part of Original One Hundred Acre Lot Nos. 362 and 370, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Englewood Street (now known as Englewood Avenue N.E.) and extending back of equal width 110 feet deep, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 25. 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. 108-11-002 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 26. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-11-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 115 of W.H. Van Tine Jr.'s Trustee Subdivision of part of Original One Hundred Acre Lot Nos. 361 and 369, now in said City. Said Lot Number being 47.756 feet front on the East side of Eldridge Avenue (now known as East 102nd Street) and 130 feet deep, according to the plat of said Subdivision in Volume 17 of Maps, Page 29 in the office of the Recorder of said County, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 27. 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. 108-24-102 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 28. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-24-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 18 in Charles P. Born and Margaret E. Born's Allotment of part of Original One Hundred Acre Lot No. 369 as shown by the recorded plat in Volume 16 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 103rd Street and extending back of equal width 142.17 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 29. 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. 108-29-056 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 30. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-29-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 132 in Cleveland Realty Company's Subdivision of part of Original One Hundred Acre Lot Nos. 362 and 370, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Easterly side of Parkwood Drive, N.E. (formerly Parkwood Boulevard) and extending back 187.27 feet deep on the Northerly line, 250.70 feet deep on the Southerly line and having a rear line of 74.99 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 31. 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. 109-11-047 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 32. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-11-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in the Morley and Morrison's Allotment of part of Original One Hundred Acre Lot No. 385, as shown by the recorded plat in Volume 26 of Maps, Page 24 of Cuyahoga County Records and being 35 feet front on the Westerly side of Lorna Street, now East 103rd Street, and extending back of equal width 126.50 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 33. 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. 109-12-075 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 34. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-12-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 15 feet front from rear of Sublots Nos. 1, 2 and 3, the Westerly 20 feet front from rear of Sublot No. 4, in G.H. Hicks and H.C. Kings Subdivision of a part of Orig-

inal 100 Acre Lot No. 370 as shown by the recorded plat in Volume 22 of Maps, Page 20 of Cuyahoga County Records, and together forming a parcel of land 35 feet front on the Northerly side of Columbia Avenue, N.E. and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 35. 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. 109-12-080 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 36. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-12-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to-wit: And known as being Subdivision 8 in G.M. Hicks and H.C. King's Subdivision of part of Original One Hundred Acre Lot No. 370, as shown by the recorded plat in Volume 22 of Maps, Page 20 of Cuyahoga County Records and being 40 feet front on the Northerly side of Columbia Avenue, N.E., and extending back between parallel lines 140 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 37. 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. 109-12-130 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 38. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-12-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 138 in John 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 40 feet front on the Southerly side of Earle Avenue, N.E., and extending back of equal width 108.5 feet deep on the Westerly side, 108.62 feet deep on the Easterly side and 40 feet wide in the rear be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 39. 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. 109-12-131 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 40. That the real property to be sold pursuant to this Ord-

nance is more fully described as follows:

P. P. No. 109-12-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 139 in John W. Taylor and Company's Douglas Park Subdivision of a part of Original One Hundred Acre Lot No. 370 as shown by the recorded plat of said Subdivision in Volume 22 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 139 has a frontage of 40 feet on the Southerly side of Earle Avenue, N.E., and extends back 108.38 feet on the Westerly line, 108.50 feet on the Easterly line, and has a rear line of 40 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 41. 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. 109-14-125 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 42. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-14-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 130 in the Cottage Home Allotment of part of Original One Hundred Acre Lot No. 378 as shown by the recorded plat in Volume 16 of Maps, Page 14 of Cuyahoga County Records and being a parcel of land 40 feet front on the Southerly side of Amor Avenue and extending back of equal width 125.65 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 43. 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. 109-14-127 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 44. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-14-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 132 in the Cottage Home Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 16 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Amor Avenue, N.E., and extending back of equal width 125 65/100 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 45. 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. 109-14-129 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 46. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-14-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 134 in the Cottage Home Allotment of part of Original One Hundred Acre Lot No. 378 as shown by the recorded plat in Volume 16 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Southerly side of Amor Avenue, N.E., extending back of equal width, 125.65 feet deep, be the same more or less, but subject to all legal highways.

Section 47. 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. 109-16-030 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 48. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-16-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in the Deming Realty Company's Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records, and being 45 feet front on the Northerly side of Grantwood Avenue, N.E., and extending back of equal width 114.10 feet, as appears by said plat.

Subject to restrictions recorded in Volume 960, Page 353 of Cuyahoga County Records.

Also subject to Zoning Ordinances, if any.

Section 49. 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. 109-16-031 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 50. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-16-031

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 bounded and described as follows:

Beginning at the Northeasterly corner of Sublot No. 91 in the Deming Realty Company's Allotment of part of Original One Hundred Acre Lot No. 378, as shown by the record-

ed plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Westerly along the Northerly line of said Sublot No. along the Northerly prolongation of the Westerly line of said Sublot No. 91, 7.50 feet; thence Easterly on a line parallel to the Northerly line of said Nos. 91, 45 feet; thence Southerly along the Northerly prolongation of the Easterly line of said Sublot No. 91, 7.50 feet to place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 51. 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. 109-16-081 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 52. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-16-081

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

Beginning at a point in the Southerly line of Tacoma Avenue, N.E., 655.26 feet Easterly from the intersection of the said Southerly line with the Easterly line of 105th Street, N.E.; thence Easterly along the Southerly line of Tacoma Avenue, 40 feet; thence Southerly at right angles to the Southerly line of said Tacoma Avenue, 135.87 feet to the Northerly line of proposed alley; thence Westerly along the Northerly line of said Alley 40.055 feet; thence Northerly on a line at right angles to the Southerly line of said Tacoma Avenue, 137.97 feet to the place of beginning and to be known as the West 30 feet of Sublot No. 24 and the Easterly 10 feet of Sublot No. 25 in Jordon's proposed Subdivision of a part of 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 53. 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. 109-16-082 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 54. That the real property to be sold pursuant this Ordinance is more fully described as follows:

P. P. No. 109-16-082

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. 378, and is described as follows:

Beginning at a point in the Southerly line of Tacoma Avenue, N.E., 695 26/100 feet Easterly from the intersection of said Southerly line with the Easterly line of East 105th

Street; thence Easterly along the Southerly line of said Tacoma Avenue, N.E., 40 feet to the Westerly line of East 108th Street, 15 feet wide; thence Southerly along the Westerly line of said East 108th Street and at right angles to the Southerly line of said Tacoma Avenue, N.E., 124 27/100 feet; thence in a Southwesterly direction along the arc of a circle, having a radius of 10 feet, to which said arc the said last described line is tangent, a distance of 15 18/100 feet to the Northerly line of Mansion Court N.E.; thence Westerly along the Northerly line of Mansion Court N.E., 30 566/1000 feet; thence Northerly on a line at right angles to the Southerly line of said Tacoma Avenue N.E., 135 87/100 feet to the place of beginning, and further known as Sublot No. 23 and the Easterly 5 feet of Sublot No. 24 in Jordon's proposed Subdivision of part of Original One Hundred Acre Lot No. 378, be the same more or less, but subject to all legal highways.

Section 55. 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. 109-17-028 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 56. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-17-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in the Deming Realty Company's Allotment of part of Original One Hundred Acre Lot No. 378 as shown by the recorded plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Grantwood Avenue, N.E. and extending back of equal width 114.10 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 57. 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. 109-17-039 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 58. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-17-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 104 and the Westerly 10 feet to Sublot No. 105 in the Deming Realty Company's Allotment, of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records, and together forming a parcel of land 50 feet front on the Northerly side of Grantwood Avenue, N.E. and extending back of equal width 114.10 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 59. 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. 120-03-058 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 60. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 120-03-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 103 in Schatzinger and Hartwick's Subdivision of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 27 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 112th Street and extending back of equal width 162.72 feet deep on the Northerly line, 162.81 feet deep on the Southerly line and 40 feet wide in the rear, be the same more or less, but subject to all legal highways.

Building Line Restriction recited in Volume 777, Page 401 of Cuyahoga County Records filed February 27, 1901.

Also subject to all zoning ordinances, if any.

Section 61. 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. 109-14-122 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 62. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-14-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in Morison and Massie's Cottage Home Subdivision of part of Original One Hundred Acre Lot No. 378, as shown by the recorded plat of said Subdivision in Volume 16 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Northerly side of Morison Avenue, N.E., and extending back of equal width 125.64 feet deep, be the same more or less, but subject to all legal highways.

Section 63. 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 64. 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 65. 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 66. 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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1537-05.

By Council Member Conwell.

An emergency ordinance to change the name of the Glenville Recreation Center to "Glenville - James Hubbard Recreation Center".

Whereas, James Hubbard was a football coach at Glenville High School for more than twenty years; and

Whereas, Coach Hubbard worked to develop and increase self discipline and self responsibility among his players; and

Whereas, Coach Hubbard stated "coaching is teaching, and it's been rewarding to see youngsters improve themselves athletically, but more importantly to reach a goal academically and develop the necessary skills to become successful in their future careers"; and

Whereas, it is appropriate for this Council to honor Coach Hubbard's commitment to Cleveland youth; 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 Glenville Recreation Center is hereby named "Glenville - James Hubbard Recreation Center".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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

Passed September 19, 2005.

Effective September 22, 2005.

Ord. No. 1632-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 809-05, passed May 16, 2005; to supplement the ordinance by adding new Sections 2, 3, and 4; and to renumber existing Sections 2 and 3 to new Sections 5 and 6, relating to a mail system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the title and Section 1 of Ordinance No. 809-05, passed May 16, 2005, are amended to read as follows:

An emergency ordinance authorizing the purchase, rental, or lease, by one or more contracts for a period not to exceed five years, with an option to purchase, of a mail system, including training, and maintenance for a period of five years, and labor and materials necessary for removal of the old system and installation of the new system, for the Division of Printing and Reproduction, Department of Finance; and authorizing the Director of Finance to acquire one or more software licenses.

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase, rental, or lease for a period not to exceed five years, with an option to purchase, of a mail system, including training, and maintenance for a period of five years, and labor and materials necessary for removal of the old system and installation of the new system, to be purchased or procured by the Commissioner of Purchases and Supplies for a gross price, for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the existing title and Section 1 of Ordinance No. 809-05, passed May 16, 2005, are repealed.

Section 3. That Ordinance No. 809-05, passed May 16, 2005, is supplemented by adding new Sections 2, 3 and 4 to read as follows:

Section 2. That the Director of Finance is authorized to acquire by contract with one or more computer software vendors or one or more firms of computer software vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland one or more licenses for operation of a mail system, including installation, programming, and implementation, and for training, support, maintenance and updates, for a period of five years, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Printing and Reproduction, Department of Finance.

The selection of the vendors for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified software vendors available for the employment as

may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling the list. The compensation to be paid for the service shall be fixed by the Board of Control. The contracts authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.

Section 3. That the Director of Finance is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 4. That under Section 108(b) of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases or procurements, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 4. That existing Sections 2 and 3 of Ordinance No. 809-05, passed May 16, 2005, are renumbered to new "Section 5" and "Section 6".

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

Passed September 19, 2005.

Effective September 20, 2005.

Ord. No. 1640-05.

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

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1121-05, passed June 6, 2005, relating to a lease or sale of certain property to the Salvation Army for the purpose of the Salvation Army constructing and operating a community center; to supplement the ordinance by adding new Sections 7, 8, and 9; and to renumber existing Section 7 to new Section 10.

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. 1121-05, passed June 6, 2005, are amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Salvation Army, for a period not to exceed ninety-nine years, for the purpose of the Salvation Army constructing and operating a community center; or in the alternative, to authorize the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northwest portion of Gor-

don Park to the Salvation Army.

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Salvation Army ("Lessee"), 12.5 acres of the northwest portion of Gordon Park which is suitable for use by the Salvation Army for the purpose of constructing and operating a community center for the term of the lease, and which is more fully described as follows:

**LEGAL DESCRIPTION OF
12.5 ACRES OF LAND
IN GORDON PARK**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a parcel of land in Original 100 Acre Lot Number 350, bounded and described as follows:

Beginning at a stone monument found in the northwesterly line of the C & X Railroad right-of-way at its intersection with the westerly line of said Original 100 Acre Lot Number 350, thence North 55° 53' 45" East along said northwesterly line of the C & Railroad 217.27 feet to its intersection with the westerly line of East 72nd Street (100 feet wide) as shown by the Boundary Survey done for the City of Cleveland by L.V. Surveying, Inc. in January, 2003; thence North 00° 22' 22" West, along the westerly line of East 72nd Street, Passing through a 1/2 inch iron pin found at 0.20 feet, 849.45 feet to a point; thence North 89° 30' 38" East along a line drawn perpendicular to said westerly line of East 72nd Street, 185.45 feet to a 5/8 inch capped iron pin set, and the Principal Place of Beginning of the parcel of land herein to be described:

Course No. 1: thence North 08° 10' 52" East along a line approximating the top of bank, 335.96 feet to a capped 5/8 inch iron pin set;

Course No. 2: thence North 19° 26' 33" East, continuing along said line, 404.80 feet to a capped 5/8 iron pin set;

Course No. 3: thence North 34° 22' 14" East, 152.75 feet to a capped 5/8 inch iron pin set;

Course No. 4: thence North 59° 38' 35" East, 219.19 feet to a capped 5/8 inch iron pin set;

Course No. 5: thence North 75° 11' 47" East, 104.98 feet to a capped 5/8 inch iron pin set;

Course No. 6: thence South 37° 02' 56" East, 155.25 feet to a capped 5/8 Inch iron pin set at the northwesterly side of a fence enclosing a baseball field;

Thence along the existing fences enclosing several baseball fields, the following courses and distances:

Course No. 7: thence along the arc of a circle deflecting to the left, 194.04 feet to a capped 5/8 inch iron pin set, said curved line having a radius of 302.90 feet and a chord which bears South 32° 27' 52" West 190.74 feet;

Course No. 8: thence along the arc of a circle deflecting to the left, 667.34 feet to a capped 5/8 inch iron pin set, said curved line having a radius of 255.20 feet and a chord

which bears South 12° 36' 11" East, 492.81 feet;

Course No. 9: thence along the arc of a circle deflecting to the left, 51.15 feet to a capped 5/8 inch iron pin set, said curved line having a radius of 301.40 feet and a chord which bears South 43° 31' 22" East, 51.09 feet;

Course No. 10: thence South 34° 07' 02" East, 260.53 feet to a capped 5/8 inch iron pin set at the back of a southerly roadway curb;

Course No. 11: thence South 55° 52' 58" West along the back of said southerly roadway curb, 133.86 feet to a chiseled cross set about 6 inches deep in the flange of a catch basin at the point of curvature in said back of curb;

Course No. 12: thence southwesterly along the back of said curb, being along the arc of a circle deflecting to the right 657.41 feet to a capped 5/8 inch iron pin set, said curved line having a radius of 574.68 feet and a chord which bears South 88° 38' 35" West, 622.17 feet;

Course No. 13: thence North 39° 16' 06" West, 168.40 feet to the Principal Place of Beginning, containing 544,503 square feet of land (12,500 Acres) according to a survey made in August, 2005 by Garrett and Associates, Inc., Registered Engineers & Surveyors, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall not exceed ninety-nine years.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1121-05, passed June 6, 2005, are repealed.

Section 3. That Ordinance No. 1121-05, passed June 6, 2005 is supplemented by adding new Sections 7, 8, and 9 to read as follows:

Section 7. That, in the alternative and notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the 12.5 acres of the northwest portion of Gordon Park described above, which is suitable for use by the Salvation Army for the purpose of constructing and operating a community center, is no longer needed for public use.

Section 8. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Salvation Army at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 9. That the conveyance 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 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 4. That existing Section 7 of Ordinance No. 1121-05, passed June 6, 2005, is renumbered to new "Section 10".

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

Passed September 19, 2005.

Effective September 20, 2005.

Ord. No. 1661-05.

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

An emergency ordinance to appropriate property for the public purpose of highway and bridge improvement in connection with City bridge No. 4:017M located on East 105th Street near Quincy Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1502-05, adopted August 3, 2005, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of highway and bridge improvement in connection with City bridge No. 4:017M located on East 105th Street near Quincy Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of highway and bridge improvement in connection with City bridge No. 4:017M located on East 105th Street near Quincy Avenue, the following described fee simple interests are appropriated:

LEGAL DESCRIPTION OF PARCEL 4T

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100-Acre Lot No. 410 and being particularly described as follows:

Commencing at a point on the easterly line of East 105th Street at Station 2+47.89, 25.00' Right as shown on Sheet 71 of 73 of the plans to reconstruct the East 105th Street Bridge just north of Quincy Avenue and the place of beginning;

Course 1: Thence continuing North 00° 00' 44" West along the easterly line of East 105th Street a distance of 18.40 feet to a point;

Course 2: Thence North 90° 00' 00" East a distance of 27.02 feet to a point;

Course 3: Thence South 55° 44' 25" West a distance of 32.69 feet to a point on the easterly line of East 105th Street and the place of beginning and containing 0.006 acres of land more or less, according to said

Sheet, but subject to all legal highways.

This parcel is part of PPN 121-22-028 owned by DeJohn, Inc., an Ohio Corporation which claims title by deed recorded under AFN No. 200504060693.

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

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1662-05.

By Council Member Cimperman (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1162-05, passed July 13, 2005, relating to changing the zoning of parcels bounded by W. 9th Street, Front Avenue, W. 10th Street, the Cuyahoga river and the CSX Railroad from a General Industry Use District to a Downtown Residential District. (Map Change No. 2151; Sheet No. 1)

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

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

Section 1. That Section 3 of Ordinance No. 1162-05, passed July 13, 2005 is amended to read as follows:

Section 3. That, except for purposes of compliance with division (e) of Section 337.081 the off-street parking requirements applicable in the Central Business District shall apply to the subject site.

Section 2. That existing Section 3 of Ordinance No. 1162-05, passed July 13, 2005 is repealed.

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1664-05.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept funding from the Cuyahoga County Redevelopment Fund in the form of a loan and a grant to partially

finance the demolition and environmental remediation of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site, located at 5163 Broadway Avenue; authorizing the Director to employ one or more professional consultants to perform asbestos removal and other environmental services on the buildings to ready them for demolition; and authorizing the purchase by one or more contracts of the demolition of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site, for the Department of Community Development.

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

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

Section 1. That the Director of Community Development is authorized apply for and accept a grant in the amount of \$447,500, from the Cuyahoga County Brownfield Redevelopment Fund, to provide financial assistance to partially finance the demolition and environmental remediation of the Nurses Building and the Main Hospital Building on the St. Michael's site, located at 5163 Broadway Avenue; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the Director of Community Development is authorized to apply to the Cuyahoga County Brownfield Redevelopment Fund for loan assistance in an amount not to exceed \$302,500, to partially finance the project described in the file.

Section 3. That the summary for the grant and loan, File No. 1664-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 4. That the Director of Community Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform asbestos removal and other environmental services on the buildings to ready them for demolition.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community Development for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law,

approved by the Director of Community Development, and certified by the Director of Finance.

Section 5. That the Director of Community Development is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: the demolition of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development.

Section 6. That the cost of contract or contracts authorized in this ordinance shall be paid from the fund or funds which are credited the loan and grant proceeds accepted under this ordinance.

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1670-05.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into an amendment to City Contract No. 62298 with Iron Mountain Records Management and to enter into an amendment to City Contract No. 62354 with Iron Mountain National Underground Storage to extend the term of such professional records and information management contracts to September 30, 2006.

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 Clerk of Council is hereby authorized to enter into an amendment to City Contract No. 62298 with Iron Mountain Records Management and to enter into an amendment to City Contract No. 62354 with Iron Mountain National Underground Storage to extend the term of such professional records and information management contracts to September 30, 2006.

Section 2. That the total costs of these two contract amendments shall not exceed \$140,000.00 and shall be paid from Fund No. 01 SF 001. The First Amendment to City Contract No. 62298 shall be initially certified for \$1,050.00, and the First Amendment to City Contract No. 62354 shall be initially certified for \$12,300.00 to cover contractual commitments through calendar year 2005.

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

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1671-05.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into an amendment or amendments to City Contract No. 60428 with West Services, Inc. to provide the professional services necessary to update, print, index and bind a cumulative supplement or supplements to the Codified Ordinances, including alternative formats and internet accessibility, and to provide a review, comparison and update of Parts IV and VI of the Codified Ordinances to conform with amendments made to the Ohio Revised Code.

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 Clerk of Council is hereby authorized to enter into an amendment or amendments to City Contract No. 60428 with West Services, Inc. to provide professional services necessary to update, print, index and bind a cumulative supplement or supplements to the Codified Ordinances, including alternative formats and internet accessibility, and to provide a review, comparison and update of Parts IV and VI of the Codified Ordinances to conform to amendments made to the Ohio Revised Code. Such amendment shall commence upon execution of the amendment and be for a period of one year with three options, exercisable by the Clerk of Council, to renew all or any portion of these services for additional one-year periods, and cancelable upon thirty days written notice by said Clerk of Council.

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 September 12, 2005.

Effective September 20, 2005.

Ord. No. 1672-05.

By Council Member Lewis.

An emergency ordinance to amend Section 2 of Ordinance No. 653-05, passed May 9, 2005, relating to the Demolition and Board-Up programs.

Whereas, Ordinance No. 653-05, passed May 9, 2005, authorized the Director of Building and Housing to enter into contracts with various non-profit and for-profit agencies to implement the Demolition and Board-up Programs; and

Whereas, Section 2 of Ordinance No. 653-05, passed May 9, 2005, prohibited any contract authorized by Ordinance No. 653-05 from including the demolition of Madonna Hall located at East 72nd and Chester; and

Whereas, this Council wishes to remove the Madonna Hall prohibition; 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 Section 2 of Ordinance No. 653-05, passed May 9, 2005, is hereby amended to read as follows:

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

Section 2. That existing Section 2 of Ordinance No. 653-05, passed May 9, 2005, is hereby repealed.

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1673-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the America's Walk for Diabetes, on October 1, 2005, sponsored 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 the America's Walk for Diabetes, sponsored by the American Diabetes Association on October 1, 2005, with the Walk beginning at Tower City Amphitheater to Canal Road, left on Canal Road to Robert Lockwood Jr. Street, right on Robert Lockwood Jr. Street to St. Clair, right on St. Clair to Ontario, right on Ontario (rest stop #1 Cleveland Marriott-downtown St. Clair); to Huron, left on Huron to East 9th, left on East 9th to Superior, left on Superior (rest stop #2 at Hyatt Regency, Superior Avenue) 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; 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 September 12, 2005.

Effective September 20, 2005.

Ord. No. 1674-05.

By Council Member Johnson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Coral Company to stretch banners in Shaker Square on the east and west corner of Shaker Blvd., for the period from September 12, 2005 to October 1, 2005, inclusive, publicizing the celebration of Shaker Square.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to The Coral Company to install, maintain and remove banners in Shaker Square, for the period from September 12, 2005 to October 1, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1675-05.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Spanish American Committee to stretch a banner at West 65 & Lorain Avenue, for the period from September 9, 2005 to September 30, inclusive, publicizing the End of Summer Latino Unity Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Spanish American Committee to install, maintain and remove a banner at West 65th & Lorain for the period from September 9, 2005 to September 30, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1679-05.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with Cleveland Public Art, Inc. for the West 25th Street Bridge Mural Project through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with Cleveland Public Art, Inc. for the West 28th Street Bridge Mural Project for the public purpose of making public infrastructure improvements in the city of Cleveland through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,130 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 September 12, 2005.

Effective September 20, 2005.

Ord. No. 1680-05.

By Council Member Jackson.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Blue Seas Restaurant for the Blue Seas Restaurant Development Project through the use of Ward 5 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 Blue Seas Restaurant for the Blue Seas Restaurant Development Project for the public purpose of retaining and creating new jobs in the city of Cleveland through the use of Ward 5 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.

Passed September 12, 2005.

Effective September 20, 2005.

Ord. No. 1696-05.

By Council Members Jackson, Brady, Brancatelli, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Lipovan Holan, Johnson, Kelley, Knight, Lewis, Polensek, Reed, Pierce Scott, Sweeney, Westbrook, White and Zone.

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various for-profit and non-profit agencies to provide financial assistance to Hurricane Katrina evacuees; and authorizing the Director of Community Development to apply for and accept funds from the United States of America and the State of Ohio to reimburse Cleveland for costs incurred as a result of relocating Hurricane Katrina evacuees to the City of Cleveland beginning September 1, 2005.

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 one or more contracts with various for-profit and non-profit agencies to provide financial assistance to Hurricane Katrina evacuees.

Section 2. That the aggregate cost of the contract or contracts shall not exceed \$450,000 and shall be paid from Fund Nos. 14 SF 030, 14 SF 031 and 13 SF 895, Request No. 149516.

Section 3. That the Director of Community Development is authorized to apply for and accept funds from the United States of America, acting through the Federal Emergency Management Agency, and the State of Ohio, acting through the Ohio Emergency Management Agency, to reimburse Cleveland for costs incurred by the various departments in City government as a result of the severe weather and storm damages in our area beginning September 1, 2005. The Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance, and the funds are appropriated for the purpose of reimbursing the various City departments for costs incurred as a result of assisting Hurricane Katrina evacuees relocate within the City of Cleveland.

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 September 12, 2005.

Effective September 20, 2005.

Ord. No. 1784-05.

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

An emergency ordinance to amend Sections 1, 2 and 11 of Ordinance No. 952-05, passed June 6, 2005; and to supplement the ordinance by adding new Section 1a, relating to accepting state funding from the Ohio Public Works Commission for the Big Creek Watershed Stormwater Management Project, and entering into related contracts.

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, 2 and 11 of Ordinance No. 952-05, passed June 6, 2005, is amended to read as follows:

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$3,040,320, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of the Big Creek Watershed Stormwater Management Project (the "Project").

Section 2. That on acceptance of the grant and loan funds from the Ohio Public Works Commission, the Director of Public Utilities may enter into agreements with the Ohio Department of Transportation, the Northeast Ohio Regional Sewer District, and the City of Parma to financially cooperate in the Project; and further that the Director is authorized to accept the funds under these agreements.

Section 11. That the cost of the Project and all other expenditures authorized by this ordinance shall be paid from Fund No. 54 SF 001, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500; from the fund or funds which are credited the proceeds of the sale of 2005 general obligation bonds which are issued for this purpose and include this Project and are appropriated for this purpose; from the fund or funds which are credited the funds received from the Northeast Ohio Regional Sewer District, and the City of Parma, which are appropriated for this purpose; and from the fund or funds which are credited the grant and loan proceeds received from the Ohio Public Works Commission.

Section 2. That existing Sections 1, 2 and 11 of Ordinance No. 952-05, passed June 6, 2005, is repealed.

Section 3. That Ordinance No. 952-05, passed June 6, 2005, is supplemented by adding new Section 1a. to read as follows:

Section 1a. That the Mayor is authorized to accept loan funds in the approximate amount of \$900,000 from the Ohio Public Works Commission to finance the capital improvement described in this ordinance, including without limitation all appurtenances, that the Mayor is authorized to enter into a loan agreement with the Ohio Public Works Commission for the repayment of the loan funds, which application is placed in File No. 1784-05-A. The Mayor is further authorized to file all papers to execute all doc-

uments necessary to receive the funds under the loan; and the loan funds are appropriated for the purposes set forth in the loan application.

That on execution of the loan agreement, the Director of Public Utilities is authorized to repay the loan funds to the Ohio Public Works Commission under the terms and conditions of the loan agreement, from the operating revenues of the Division of Water Pollution Control.

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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1788-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 28th Annual Walk for Disabilities, on October 1, 2005, sponsored by the Disability Services and Disability Ministries of Catholic Charities Services.

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 28th Annual Walk for Disabilities, sponsored by the Disability Services and Disability Ministries of Catholic Charities Services on October 1, 2005, with the Walk beginning at OLA/St. Joseph Center parking lot on Kenilworth; head east on Kenilworth to West 11th; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue-cross W. 14th to the west side of W. 14th; turn right on to W. 14th-cross Kenilworth and return to OLA/St. Joseph Center on the left; 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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1789-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Charity Costume 10K Run/Walk, on October 29, 2005, sponsored by the Diabetes Association of Greater Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Charity Costume 10K Run/Walk, sponsored by the Diabetes Association of Greater Cleveland on October 29, 2005, 10K Run Course (using city streets): starting at Tower City Center, exiting at the Public Square entrance where runners would turn right onto Ontario and then turning right at Carnegie Avenue and going over the Carnegie/Lorain Bridge (Hope Bridge), then turn right at West 25th Street to Detroit Road, turning right at Detroit/Superior Bridge (Veteran's Memorial Bridge) to Public Square where you will turn right to the finish line in front of Tower City Center and the Terminal Tower; Walk Course (using the pedestrian walkways); exit Tower City Center at Public Square, turn left to Superior Avenue, go over the Detroit/Superior Bridge (Veteran's Memorial Bridge) on the north side of the Bridge, at West 25th Street cross over Superior Avenue to the south side (can utilize the part of blocked streets if needed) of the bridge and travel back toward Tower City Center; the race will end in front of Tower City Center/Terminal Tower's Public Square entrance; 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 September 19, 2005.

Effective September 22, 2005.

Ord. No. 1790-05.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Fairview Lutheran Foundation to stretch banners at West 61st & Lorain Avenue, for the period from September 12, 2005 to October 2, inclusive, publicizing WestFest.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Fairview Lutheran Foundation to install, maintain and remove banners at West 61st & Lorain for the period from September 12, 2005 to October 2, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 19, 2005.

Effective September 22, 2005.

Ord. No. 1791-05.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Muhammad Mosque # 18 to stretch banners at East 144th & Kinsman, for the period from September 19, 2005 to October 18, 2005, inclusive, publicizing the Million Family March.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Muhammad Mosque #18 to install, maintain and remove banners at East 144th & Kinsman, for the period from September 19, 2005 to October 18, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 19, 2005.
Effective September 22, 2005.

Ord. No. 1792-05.

By Council Member Jackson.

An emergency ordinance to amend the title, and Section 1 of Ordinance No. 1179-05, passed June 6, 2005, authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Cuyahoga Community College for the Basketball and More: A Village Experience Program through the use of Ward 5 Neighborhood Equity Funds.

Whereas, Ordinance No. 1179-05, passed June 6, 2005, authorized the Director of Parks, Recreation and Properties to enter into an agreement with Cuyahoga Community College Foundation for the Basketball and More: A Village Experience Program through the use of Ward 5 Neighborhood Equity Funds; and

Whereas, the agreement to conduct this program will be entered into by Cuyahoga Community College and not Cuyahoga Community College Foundation; and

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

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

Section 1. That the title of Ordinance No. 1179-05, passed June 6, 2005, is hereby amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Cuyahoga Community College for the Basketball and More: A Village Experience Program through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 1179-05, passed June 6,

2005, is hereby amended to read as follows:

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Cuyahoga Community College for the Basketball and More: A Village Experience Program for the public purpose of providing summer recreational activities for City of Cleveland youth through the use of Ward 4 Neighborhood Equity Funds.

Section 3. That the existing title and existing Section 1 of Ordinance No. 1179-05, passed June 6, 2005, is hereby repealed.

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

Passed September 19, 2005.
Effective September 22, 2005.

Ord. No. 1793-05.

By Council Member Cimperman.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 1313-05 passed July 13, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for the Student Theatre Enrichment Program through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1313-05 passed July 13, 2005 are hereby amended to read as follow:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Tremont West Development Corporation for the Student Theatre Enrichment Program through the use of Ward 13 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for the Student Theatre Enrichment Program for the public purpose of providing educational opportunities for Cleveland youth in the performing arts through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1313-05 passed July 13, 2005 are hereby repealed.

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

Passed September 19, 2005.
Effective September 22, 2005.

Ord. No. 1795-05.

By Council Members Dolan, Cimperman, Cintron, Lipovan Holan, Kelley, Zone, Westbrook, Brady and Sweeney.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Fairview/Lutheran Foundation for the WestFest Expo through the use of Wards 21, 13, 14, 15, 16, 17, 18, 19 and 20 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 Fairview/Lutheran Foundation for the WestFest Expo for the public purpose of providing educational activities and programs to city of Cleveland residents through the use of Wards, 21, 13, 14, 15, 16, 17, 18, 19 and 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$11,000 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 September 19, 2005.
Effective September 22, 2005.

COUNCIL COMMITTEE MEETINGS

**Monday, September 26, 2005
2:00 p.m.**

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Reed, Brady, Coats, Conwell, Westbrook, White. *Authorized Absence:* Cimperman, Britt, Pierce Scott. Pro-Tem: Polensek, Zone.

**Tuesday, September 27, 2005
9:30 a.m.**

Community and Economic Development Committee: Present: Pierce Scott, Chair; Cimperman, Vice Chair; Cintron, Coats, Brady, Westbrook, Zone, Reed. *Authorized Absence:* Lewis.

1:30 p.m.

Legislation Committee: CANCELLED.

**Wednesday, September 28, 2005
1:30 p.m.**

City Planning Committee: Present: Cimperman, Chair; Conwell, Vice Chair; Brancatelli, Kelley. *Authorized Absence:* Lipovan Holan, Pierce Scott, Lewis. Pro-Tem: Zone.

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