

# The City Record

Official Publication of the Council of the City of Cleveland



January the Twelfth, Two Thousand and Five

**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

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Containing	PAGE
City Council	3
The Calendar	14
Board of Control	14
Civil Service	15
Board of Zoning Appeals	15
Board of Building Standards and Building Appeals	16
Public Notice	16
Public Hearings	16
City of Cleveland Bids	16
Adopted Resolutions and Ordinances	17
Committee Meetings	17
Index	17

# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

### MAYOR – Jane L. Campbell

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

DEPT. OF LAW – 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 – Myrna Branche, Commissioner, Room 128  
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 12, 2005

No. 4753

## CITY COUNCIL

MONDAY, JANUARY 10, 2005

### The City Record

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Address all communications to

**VALARIE J. McCALL**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 10, 2005

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

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

Also present were Mayor Campbell, Chief Operating Officer Brown, Chief of Staff Janik, Directors Beasley, Baker, Ciaccia, Ricchiuto, Carroll, N. Ronayne, Rush, Williams, Routen, Huth, Fumich, Johnson, and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Evangelist Yvonne Pointer Triplett of New Direction Church of God in Christ, located at 1337 Giddings Avenue in Ward 7. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 22-05.

From The Cleveland Clinic Foundation — Television special — Medical Miracles. Received.

##### File No. 23-05.

From the United States Bankruptcy Court — notice of Chapter 7 Bankruptcy Case. Received.

##### File No. 24-05.

From CT Acquisitions I Inc. — Franchise Transfer Dominion Cleveland Thermal to CT Acquisitions I Inc. — Ord. No. 1519-04. Received.

##### File No. 25-05.

From the City of Highland Heights — copy of Resolution No. 85-2004 re: opposition to House Bill 175. Received.

##### File No. 26-05.

From the Northeast Ohio Regional Sewer District — start of third phase of the four-year phased rate increase. Received.

##### File No. 27-05.

From Karen Ozan, student at Cuyahoga Community College — copy of essay re: Smoking in public places. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 28-05.

Re: New Application — 3939025 — Dane K. Holt, d.b.a. Bow N Arrow Deli, 12000 Superior Avenue. (Ward 9). Received.

##### File No. 29-05.

Re: New Application — 7642925 — S. & R. 3332, Inc., d.b.a. Dave's Rib Shack, 3332 West 32nd Street. (Ward 14). Received.

##### File No. 30-05.

Re: Transfer of Ownership Application — 2262582 — Dopey ZS, Inc., d.b.a. Bobby's Clubhouse, 4591 Turney Road. (Ward 2). Received.

##### File No. 31-05.

Re: Transfer of Ownership Application — 9156515 — Union St. Clair, Inc., 2549 St. Clair Avenue, first floor and basement. (Ward 13). Received.

**File No. 32-05.**

Re: Transfer of Ownership and Location Application — 8394700 — Southend Group, Inc., d.b.a. Brookview Tavern, 2168 Brookpark Road. (Ward 16). Received.

**File No. 33-05.**

Re: Stock Transfer Application — 70166650005 — Pop A Pizza, Inc., d.b.a. De Nobiles Restaurant, 6400 Fleet Avenue, first floor only. (Ward 12). Received.

**File No. 34-05.**

Re: Stock Transfer Application — 6381198 — New York Deli, Inc., d.b.a. New York Deli, 7001 Kinsman Avenue. (Ward 5). Received.

**File No. 35-05.**

Re: Stock Transfer Application — 9256090 — Verlies Cafe, Inc., 3355 West 46th Street, first floor and basement only. (Ward 14). Received.

**File No. 36-05.**

Re: Stock Transfer Application — 4972297 — Laisure, Inc., 16417-19 Euclid Avenue. (Ward 10). Received.

**File No. 37-05.**

Re: Stock Transfer Application — 3663369 — Hatimco, Inc., d.b.a. Edgewater Delicatessen, 8701 Lake Avenue, first floor and basement. (Ward 18). Received.

**OATH OF OFFICE****File No. 38-05.**

Teresa M. Beasley — Director of Law. Received.

**File No. 39-05.**

Douglas Divish — Commissioner of Information Technology & Services. Received.

**File No. 40-05.**

Prioleau Green — Deputy Chief of Police. Received.

**File No. 41-05.**

Richard F. Horvath — Chief Counsel. Received.

**STATEMENT OF WORK  
ACCEPTED****File No. 42-05.**

From the Department of Parks, Recreation and Properties — Contract No. 62194 — Lincoln Park Site Improvements. Received.

**File No. 43-05.**

From the Department of Parks, Recreation and Properties — Contract No. 62696 — Thurgood Marshall Recreation Center, Helen Simpson Park And Orr Park Site Improvements. Received.

**File No. 44-05.**

From the Department of Parks, Recreation and Properties — Contract No. 61640 — Bisbee Park Site Improvements.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 6-05**—John V. Corrigan.

**Res. No. 47-05**—M. Morris Jackson.

**Res. No. 48-05**—Peterson Posey.

**Res. No. 49-05**—Mary Libertore.

**Res. No. 50-05**—Iverson M. Banks-Bey.

**Res. No. 51-05** — Mary E. Yarbrough

**Res. No. 52-05**—Janet M. Sims.

**Res. No. 53-05**—Robert O. Floyd.

**Res. No. 54-05**—Peter J. Bonner.

**Res. No. 55-05**—Wesley Maclin, Jr.

**Res. No. 56-05** — Mrs. Iwilla Ratcliff.

**Res. No. 57-05** — Keith Douglas Jackson

**Res. No. 58-05**—Donald W. Neim.

**Res. No. 59-05**—Beryle Sims.

**Res. No. 60-05** — Richard A. Blanchard.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 61-05** — Brenda M. Ware-Abrams.

**Res. No. 62-05**—Robert R. White.

**Res. No. 63-05** — Edward Allen Loomis.

**Res. No. 64-05** — Judge Peter M. Sikora.

**Res. No. 65-05** — Dieu Thoc Do, M.D.

**Res. No. 66-05** — Judge Chris Boyko.

**Res. No. 67-05**—Walter J. Nagorny.

**Res. No. 68-05** — Juanita Marie Traylor Shorte.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 69-05**—Phe'be Foundation.

**Res. No. 70-05**—Don Krance.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 1-05.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

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

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

**Section 1.** That the Director of Finance is authorized to pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Moore, Earlean	11753	\$ 500.00	Police	01-600202-672000
Hansberry, Gladeece	11756	1,090.00	Police	01-600202-672000
Barbee, Tyrone	11759	500.00	Police	01-600202-672000
Lehman, Gloria	11750	\$ 250.00	Urban Forestry	01-701204-672000
Berry, Leila C.	11760	2,000.00	Urban Forestry	01-701204-672000
Bailey, Lettie M.	11757	\$ 500.00	Park Maintenance	01-701205-672000
Collins, Martha	11758	250.00	Park Maintenance	01-701205-672000
Maline, Joseph and Karen	11754	\$2,568.74	Water	52 SF 001

**Section 2.** That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

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

**Ord. No. 2-05.**

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

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

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 Cleveland, Ohio, 1976, to the contrary, the Director of Finance is authorized to enter into an amendment to Contract No. 38823 with North Point Garage Limited Partnership to extend the term of the lease and operation of the North Point Garage until November 1, 2086. In consideration for extending the term of the lease, North Point Garage Limited Partnership shall pay the City a one-time payment of \$3,250,000, to be deposited into the general fund. This one-time payment is in addition to the scheduled monthly rental payments which will continue through 2086. All other terms of the lease shall remain the same.

**Section 2.** That the term of the amendment shall be for forty-nine years, commencing on the effective date of the amendment and terminating on November 1, 2086.

**Section 3.** That the amendment authorized shall be prepared by the Director of Law.

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

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

**Ord. No. 3-05.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide desktop support services and IT Help Desk support services, for a period of one year with three one-year options to renew.**

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

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

**Section 1.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide desktop support services and IT Help Desk support services, for a period of one year with three one-year options to renew. The support services will include, but will

not be limited to, supporting all desktop hardware, office automation software, desktop utilities, operating systems, peripheral ancillary software, and all desktop devices attached to the desktop.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

**Section 2.** That the costs of the contract or contracts shall be paid from Fund No. 01-632000-151101, Request No. 141890.

**Section 3.** That under Section 108(b) of the Charter, the professional services 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 procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 4-05.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to assess, develop, implement, and test a citywide comprehensive disaster recovery plan for the various departments of City government and the Cleveland Municipal Court.**

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

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

**Section 1.** That the Director of Finance is authorized to 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 assess, develop, implement, test, and provide policies, procedures, and vendor agreements to implement a comprehensive disaster recovery plan for all locations within the various departments of City government and Cleveland Municipal Court which house any IT voice and data network and communications infrastructure hardware and software, any IT applications and desktop hardware and software, and any peripheral and ancillary devices and related software.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund Nos. 01-632000-151101, 01-632000-600201, 81 SF 001, and 10 SF 086, Request No. 141891.

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

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

**Ord. No. 5-05.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Youth Services for the 2005 Juvenile Accountability Incentive Block Grant Program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$83,365, from the Ohio Department of Youth Services, to conduct the 2005 Juvenile Accountability Incentive Block Grant Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the application for the grant.

**Section 2.** That the application for the grant, File No. 5-05-A; made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$9,263, payable from Fund No. 01-600201-639905, is approved in all respects.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

**Ord. No. 7-05.**  
**By Council Members Cimperman, Sweeney and Jackson (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to resurface the Memorial Shoreway from the Main Avenue Bridge to the Innerbelt curve.**

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to resurface the Memorial Shoreway (SR 2) from the Main Avenue Bridge to the Innerbelt curve for a distance of approximately 1.72 miles in the City of Cleveland (the "Improvement"), under the plans, specifications, and estimates approved by the Director of Transportation.

**Section 2.** That the City gives its consent to the Improvement and its administration by the Director of Transportation, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the Director of Transportation not eligible or made necessary by the Improvement.

**Section 3.** That the Director of Public Service is authorized to enter into agreements with the Director of Transportation that are necessary to complete the planning and construction of the Improvement.

**Section 4.** That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement under the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the Director of Transportation and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

**Section 5.** (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and Federal regulations. The City also understands that

right-of-way costs include eligible utility costs.

(c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that the companies have agreed to make any and all necessary rearrangements in such manner as to be clear that any construction called for by the plans for the Improvement and that the companies have agreed to make necessary rearrangements immediately after notification by the City or the State of Ohio.

(d) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

(e) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.** That the Council of the City requests the State to proceed with the Improvement.

**Section 7.** That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 8.** 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. 8-05.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into one or more professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Cleveland Hopkins International and Burke Lakefront Airports, for a period of two years.**

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

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

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, and advertising services necessary to promote Cleveland Hopkins International and Burke Lakefront Airports, for a period of two years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Cleveland Hopkins International and Burke Lakefront Airports, 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 Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 3.** That the Director of Port Control is further 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: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Cleveland Hopkins International and Burke Lakefront airports, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

**Section 4.** That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 60 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129204)

**Section 5.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

**Ord. No. 9-05.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Cuyahoga Community College for professional services necessary to train employees on the Baldrige Award concepts.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into one or more contracts with Cuyahoga Community College for professional services necessary to train employees on the Baldrige Award concepts on the basis of its proposal dated December 9, 2004, in the total sum of \$290,000, for the Department of Port Control. The contracts or contracts shall be paid from Fund No. 60 SF 106, Request No. 129208.

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

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

**Ord. No. 10-05.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies and the Director of the City Planning Commission to enter into a Purchase Agreement for the Old River Property; authorizing the Commissioner of Purchases and Supplies to acquire the real property known as the Old River Property; and authorizing the Director of the City Planning Commission to transfer the property to the control, possession, and use of the Department of Parks, Recreation and Properties.**

Whereas, under Ordinance No. 817-03, passed October 6, 2003, and amended by Ordinance No. 946-04, passed August 11, 2004, this Council authorized the Director of the City Planning Commission to enter into a Memorandum of Understanding with the Cleveland Cuyahoga County Port Authority and various leases, agreements and amendments

necessary to effectuate the purpose of the Memorandum of Understanding; and

Whereas, among other things, the ordinance, as amended, authorized the Commissioner of Purchases and Supplies and the Director of the City Planning Commission to enter into a Purchase Agreement for the acquisition of the real property known as the Old River Property currently owned by the Cleveland-Cuyahoga County Port Authority ("Port Authority") provided additional legislation authority was obtained; and

Whereas, the Director of the City Planning Commission has requested the acquisition of the Old River Property; and

Whereas, once acquired, the Director of the City Planning Commission desires to transfer the property to the control, possession, and use of the Director of Parks, Recreation and Properties;

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

Whereas, 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 Commissioner of Purchases and Supplies and the Director of the City Planning Commission are authorized to enter into a Purchase Agreement with the Port Authority to acquire the property known as the Old River Property, more fully described in this ordinance.

**Section 2.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire the following described property to effectuate the purpose of the Memorandum of Understanding authorized by Ordinance No. 817-03, passed October 6, 2003, and amended by Ordinance No. 946-04, passed August 11, 2004:

**LEGAL DESCRIPTION  
CLEVELAND — CUYAHOGA  
COUNTY PORT AUTHORITY  
BLOCK "B"  
DIVISION AVENUE N.W.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Numbers 301 thru 306, both inclusive, 317 thru 338, both inclusive, 484 thru 491, both inclusive, part of Sublot Numbers 473 thru 480, both inclusive, part of Sublot Numbers 492, 493 and 494, part of Reserved Square, part of Weddell Street and St. Paul Street, now both vacated, by Ordinance Number 9127 passed by the Council of the City of Cleveland, April 20, 1896, part of Division Avenue N.W., (formerly Old River Street) vacated by Ordinance Numbers 26417, passed by the Council of the City of Cleveland, October 30, 1899 and by Ordinance Number 5842 passed by the Council of the City of Cleveland September 10, 1906, part of West 54th Street (formerly Weddell Street) vacated by Ordinance Number 5841 passed by the Council of the City of Cleveland,

September 10, 1906, part of Crescent Avenue N.W., vacated by Ordinance Number 26417 passed by the Council of the City of Cleveland, October 30, 1899 and part of an unallotted parcel or strip of land lying between the northerly line, of the aforesaid Sublot Numbers 323 through 338, both inclusive, and the southerly Revised Dock Line of the Old River Bed, established by the City of Cleveland by the Revised Ordinance of 1907, Section 34 in S.S. Stones' Subdivision of part of Original Brooklyn Township Lot Number 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the northerly line of Division Avenue N.W., 66 feet wide, (formerly Old River Street) at a 5/8" capped iron pin set in the south-easterly corner of the parcel of land herein intended to be described, said point being distant North 87° - 28' - 54" West, 1020.34 feet as measured along said northerly line of Division Avenue N.W., from a 5/8" iron pin set at its point of intersection with the easterly line of said Original Brooklyn Township lot Number 50;

Course No. 1: thence North 87° - 28' - 54" West continuing along said northerly line of Division Avenue N.W., 515.67 feet to a 5/8" capped iron pin set at its point of intersection with the northerly prolongation of the westerly line of West 53rd Street, 50 feet wide;

Course No. 2: thence South 02° - 29' - 44" West along said prolongation and along the westerly line of West 53rd Street, 330.44 feet to its point of intersection with the northerly line of Crescent Avenue N.W., from which point a 5/8" iron pin was found 0.04 feet North;

Course No. 3: thence North 87° - 29' - 56" West along said northerly line of Crescent Avenue N.W., 366.55 feet to a 5/8" capped iron pin set at its point of intersection with the southwest corner of that portion of West 54th Street vacated by Ordinance Number 5841, as aforementioned;

Course No. 4: thence North 00° - 14' - 34" West along the westerly line of West 54th Street, now vacated, 30.03 feet to a drill hole and cross set in the northeasterly corner of a parcel of land conveyed to the City of Cleveland, by deed dated June 9, 1908 and recorded in Volume 1095, Page 290 of Cuyahoga County Records;

Course No. 5: thence North 87° - 29' - 56" West along the northerly line of land so conveyed to the City of Cleveland, 6.83 feet to a 5/8" capped iron pin set at a point of curvature therein;

Course No. 6: thence southwesterly along the curved northwesterly line of land so conveyed to the City of Cleveland, being the arc of a circle deflecting to the left 149.28 feet, having a radius of 332.04 feet and whose chord bears South 79° - 37' - 17" West, 148.03 feet to its intersection with a line drawn parallel with and distant northerly by rectangular measurement 30.00 feet from the center line of Crescent Avenue N.W., now vacated, from which point a drill hole and cross was found 0.03 feet South;

Course No. 7: thence North 87° - 29' - 56" West along said parallel

line, 71.26 feet to a drill hole and cross found, said point also being the southwesterly corner of a parcel of land conveyed to the Forest City Publishing Company, by deed dated December 31, 1964 and recorded in Volume 11380, Page 173 of Cuyahoga County Records;

Course No. 8: thence northwesterly along a curved southwesterly line of land so conveyed to The Forest City Publishing Company, being the arc of circle deflecting to the right 194.66 feet, having a radius of 1248.10 feet and whose chord bears North 43° - 24' - 00" West, 194.46 feet to an inner corner thereof, from which point a drill hole and cross was found 0.04 feet North and 0.04 feet East;

Course No. 9: thence North 87° - 29' - 24" West along a southerly line of land so conveyed to The Forest City Publishing Company, 39.66 feet to a southwesterly corner thereof, from which point a drill hole and cross was set in a column 2.0 feet up, 1.74 feet West and 1.62 feet South;

Course No. 10: thence northwesterly along a curved southwesterly line of land so conveyed to The Forest City Publishing Company, being the arc of a circle deflecting to the right 189.29 feet, having a radius of 1278.10 feet and whose chord bears North 33° - 30' - 44" West, 189.11 feet to the most westerly corner thereof, from which point a drill hole and cross was found 0.31 feet Northwest and 0.96 feet Southwest;

Course No. 11: thence North 64° - 15' - 20" East along the southeasterly line of a Parcel Number 2 of land conveyed to Channel Park Marina, Inc., by deed dated May 24, 1993 and recorded in Volume 93-05206, Page 5 of Cuyahoga County Records, 606.87 feet to an easterly corner thereof, passing through a 5/8" capped iron pin set 165.00 feet from said corner, said corner also being in the aforesaid southerly Revised Dock Line;

Course No. 12: thence South 78° - 08' - 30" East along said southerly Revised Dock Line, 397.23 feet to an angle point therein, from which point a 5/8" capped iron pin was set at a point distant South 02° - 31' - 06" West, 20.00 feet;

Course No. 13: thence South 89° - 47' - 22" East continuing along said southerly Revised Dock Line 462.49 feet to a point, said point being the northeasterly corner of the parcel of land herein intended to be described;

Course No. 14: thence South 00° - 12' - 38" West along the easterly line of said parcel of land, 196.28 feet (passing through a 5/8" capped iron pin set at a distance of 16.28 feet), to the place of beginning, containing within said boundaries 473,684 square feet of land (10.8743 Acres), according to a survey dated November, 1998 by Garrett and Associates, Inc., Engineers and Surveyors, be the same more or less, but subject to all legal highways.

**Section 3.** That the Director of the City Planning Commission is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 4.** That the consideration to be paid for this property shall not exceed the valuable considerations identified in the Memorandum of Understanding authorized by Ordinance No. 817-03, passed October 6, 2003, and amended by Ordinance No. 946-04, passed August 11, 2004.

**Section 5.** That all costs of acquisition of land shall be paid from the appropriate fund or funds designated by the Director of Finance for this purpose.

**Section 6.** That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of the City Planning Commission is authorized to transfer the property described above to the control, possession, and use of the Department of Parks, Recreation and Properties.

**Section 7.** That on consummation of the transfer referenced above, the Directors participating in the transaction shall initial and date of copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

**Section 8.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 13-05.**

**By Council Member Cimperman.**

**An emergency ordinance to amend the title, Section 1, Section 2, and Section 3 of Ordinance No. 43-04, passed January 16, 2004, relating to the sale of real property as part of the Land Reutilization Program.**

Whereas, Ordinance No. 43-04, passed January 16, 2004, authorized the sale of real property as part of the Land Reutilization Program to Cuyahoga County Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood; and

Whereas, it is necessary to amend Ordinance No. 43-04, passed January 16, 2004, to authorize the sale of such property to Cleveland Housing Network, Inc.; and

Whereas, it is necessary to amend Ordinance No. 43-04, passed January 16, 2004, to authorize the sale of an additional parcel of land; and

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

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

**Section 1.** That the title of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Cleveland Housing Network, Inc. for new construction as part of the Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.**

**Section 2.** That Section 1 of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 004-17-048, 004-17-049, 004-17-052, 004-17-053 and 004-17-054, as more fully described below, to **Cleveland Housing Network, Inc.** for new construction as part of the Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.

**Section 3.** That Section 2 of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

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

**P. P. No. 004-17-042**

**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Allotment of Sublot No. 3 in N.S. Calhoun's Re-Subdivision of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records and being 26.12 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 91.82 feet deep along the Southeasterly side of University Count S.W., as appears by said plat, be the same more or less, but subject to all legal highways. Subject to Zoning Ordinances, if any.**

**P. P. No. 004-17-048**

**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 130 feet of the Northerly one half of Sublot No. 152 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 130 feet deep, as appears by said plat, be the same more or less but subject to all legal highways.**

**P. P. No. 004-17-049**

**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northeasterly 130 feet of the Southeasterly half of Sublot No. 152 in William Slade, Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.**

**P. P. No. 004-17-052**

**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of**



Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows: January 21, 2004 The City Record 1171 Beginning on the Northerly line of Starkweather Avenue, S.W. at its intersection with the Southwesterly line of Thurman Street, S.W. which beginning point is also the Southeasterly corner of said Sublot No.151; thence Northwesterly along the Southwesterly line of Thurman Street, S.W. to the most Northerly corner of said Sublot No. 151; thence Southwesterly along the Northwesterly line of said Sublot No. 151, a distance of 36 feet to the most Northerly corner of a parcel of land conveyed to Christian Karkoff by deed dated January 20, 1875, and recorded in Volume 238, Page 460 of Cuyahoga County Records; thence Southeasterly parallel with the Southwesterly line of Thurman Street, S.W. and along the Easterly line of said parcel of land conveyed to Christian Karkoff to the Northerly line of Starkweather Avenue, S.W.; thence Easterly along the Northerly line of Starkweather Avenue, S.W. to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 004-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Starkweather Avenue, S.W., at the Southeasterly corner of a parcel of land conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, by deed dated June 7, 1923, and recorded in Volume 2806, Page 606 of Cuyahoga County Records; thence Easterly along the Northerly line of said Starkweather Avenue, S.W., to the Southwesterly corner of a parcel of land conveyed to Alex Rusnyk and Julie Rusnyk, by deed dated July 11, 1912, and recorded in Volume 1398, Page 417 of Cuyahoga County Records; thence Northwesterly along the Southwesterly line of said parcel so conveyed to Alex Rusnyk and Julia Rusnyk, about 71.84 feet to the most Westerly corner of said parcel and the Northwesterly line of the property of John Ripich and Elizabeth Ripich, as established by Court Decree in Common Pleas Court Case No. 109020; thence Southwesterly along said Northwesterly line, as decreed to the most Northerly corner of the parcel conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, aforesaid; thence Southerly along the Easterly line of said parcel so conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, 32.54 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 004-17-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in the William Slade Jr. Subdivision of part of Original Brooklyn Township Lot No. 87, as

shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Northerly line of Starkweather Avenue, S.W., distant Westerly 164.29 feet from the intersection of said Northerly line of Starkweather Avenue, S.W., with the Westerly line of Thurman Street, S.W., said beginning point being at the intersection of the Northerly line of Starkweather Avenue, S.W., with the old fence line separating premises of John and Elizabeth Ripich from premises of Tom Maichrycz and Mary Maichrycz; thence Easterly along the Northwesterly line of premises of John and Elizabeth Ripich, as said line was established by Decree of Common Pleas Court of Case Tom Maichrycz and Mary Maichrycz against John Ripich and Elizabeth Ripich, said case being No. 109020 in the Court of Common Pleas of Cuyahoga County, Ohio 54.05 feet; thence Southerly along a line drawn at right angles with the Northerly line of Starkweather Avenue, S.W., 32.54 feet to the Northerly line of Starkweather Avenue, S.W., thence Westerly along the Northerly line of Starkweather Avenue, S.W. 43.15 feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 4.** That Section 3 of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance **amending Ordinance No. 43-04, passed January 16, 2004**, shall be executed within six (6) months of the effective date of this ordinance **amending Ordinance No. 43-04**. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 5.** That the Title, existing Section 1, existing Section 2, and existing Section 3 of Ordinance No. 43-04, passed January 16, 2004, are hereby repealed.

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

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

**Ord. No. 14-05.**

**By Council Member Conwell.**

**An emergency ordinance to name the playground located at East 113th Street and St. Clair Avenue as "James O'Neal Johnson Family Playground".**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the new playground located at East 113th Street and St. Clair Avenue is hereby named "James O'Neal Johnson Family Playground".

**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.

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

#### FIRST READING ORDINANCE REFERRED

**Ord. No. 45-05.**

**By Council Member Cimperman.**  
**An ordinance establishing the Playhouse Square Community Entertainment District (CED) (Map Change No. 2129, Sheet No. 5).**

Whereas, Mark R. Munsell of Munsell Realty Advisors, Inc. located at 23250 Chagrin Boulevard, Suite 255, Beachwood, Ohio 44122, has submitted a completed application as of January 4, 2005, on behalf of applicant, Sterling Telecom Office Building LLC, to the Mayor's Office for designation of the Playhouse Square Business Improvement District as a Community Entertainment District under the procedures outlined in Chapter 699A of the Codified Ordinances of the City of Cleveland; and

Whereas, the application is accompanied by a map identifying the boundaries of the proposed District and the appropriate fee; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation contained in Sections 699A.01 and 699A.04 of Chapter 699A of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

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

**Section 1.** That the Playhouse Square Community Entertainment District is established and includes the areas shown on the map in File No. 45-05-A.

**Section 2.** That the designation of the area described in Section 1 as the Playhouse Square Community Entertainment District shall be noted on 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 such purpose by the City Planning Commission.

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

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

**FIRST READING EMERGENCY  
RESOLUTION REFERRED**

**Res. No. 11-05.**

**By Council Member Britt.**

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

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

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

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

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

Whereas, East 120th Street, Coltman Road, East 123rd Street, East 124th Street, and East 126th Street between Mayfield Road and Euclid Avenue have otherwise met the objective criteria set forth in Chapter 461 of the Codified Ordinances of Cleveland, Ohio, 1976; and

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

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

**Section 1.** That this Council hereby designates East 120th Street, Coltman Road, East 123rd Street, East 124th Street, and East 126th Street between Mayfield Road and Euclid Avenue residential permit parking areas, twenty-four (24) hours per day, seven (7) days per week.

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

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

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

**Ord. No. 12-05.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration**

**Society for the Heritage Home Preservation Program through the use of Ward(s) 11, 16, 18, 19 and 21 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program for the public purpose of promoting restoration and preservation of historic homes in the City of Cleveland through the use of ward(s) 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$77,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Ord. No. 15-05.**

**By Council Member Westbrook.**

**An emergency ordinance to amend Section 670B.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 583-04 passed April 5, 2004 relating to outdoor pay telephones.**

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 670B.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 583-04, passed April 5, 2004 is hereby amended to read as follows:

**Section 670B.02 Requirements for License and Contracts; Permits; Location Requirements**

(a) No person shall engage in the business of providing and installing outdoor pay telephones on private property, and no person shall install, place or maintain an outdoor pay telephone on private property, unless the owner has a biennial outdoor pay telephone license. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter.

(b) No person shall engage in the business of providing and installing outdoor pay telephones in the public right-of-way, and no person shall install, place or maintain an outdoor

pay telephone within the public right-of-way unless the owner of the telephone has entered into a biennial contract with the Director that grants to such owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter. This prohibition also applies to any outdoor pay telephone that is attached to or mounted on a building or other structure when such telephone extends above or into the right-of-way, and any outdoor pay telephone located in the right-of-way that is attached to a building or structure by a wire or cable.

(c) No person shall engage in the business of providing and installing outdoor pay telephones on private property or in the right-of-way, and no person shall install, place or maintain an outdoor pay telephone on private property or in the right-of-way unless the owner has a biennial permit for each telephone installed, placed or maintained, issued in accordance with the requirements of this Chapter.

(d) It shall be unlawful for any person to install, own or maintain, or to allow the installation or maintenance of, an outdoor pay telephone on private property or the public right-of-way under any of the following circumstances:

(1) On any vacant private property or any public right-of-way adjacent thereto;

(2) On any private property or any public right-of-way adjacent thereto, where any or all buildings are vacant;

(3) On any private property or any public right-of-way adjacent thereto, that has a premises licensed for the sale of alcoholic liquor (other than beer or wine);

(4) In a residential use district as defined in the Zoning Code of the City, or within 50 feet of a residential dwelling unit in a residential use district;

(5) At a location where use from a vehicle is possible which would cause the vehicle to stand in a driveway or aisle in a parking lot or in the right-of-way;

(6) Within 5 feet of any area used for vehicular ingress or egress or an aisle way in a parking area for vehicular travel;

(7) Within 5 feet of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit or escape, a mail box, parking meter, police or fire call box, traffic control box, fire hydrant or sidewalk elevator, or that blocks or restricts free passage of pedestrians or vehicles;

(8) On any public right-of-way adjacent to private property where an outdoor pay telephone has been previously removed; or

(9) On any property or at any location that has been determined by the Director of Public Safety to create a nuisance based upon prior actual use.

(e) No dial tone provider shall provide dial tone to any outdoor pay telephone on private property or in the right-of-way without first verifying that the pay telephone has been permitted by the City pursuant to this Chapter.

(f) All outdoor pay telephones on private property or in the right-of-

way must: automatically block all incoming calls and provide outgoing only service; prevent the use of pagers or beepers; use electric wiring, not telephone wire, for electric connections; be well lighted if available for use during hours between sunset and sunrise, which may include ambient lighting; and be kept free from graffiti and stickers not placed by the owner, and kept clean.

(g) Any outdoor pay telephone placed or installed on private property or in the right-of-way shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone, and shall have the capability to make the telephone inoperative for designated periods of time, to provide lists of each outgoing call as to the number called, its duration, and the date and time of the call, shall have built in volume control and shall have a key pad that prevents the use of pagers or beepers.

(h) No outdoor pay telephone shall be placed or installed at any location on private property or in the right-of-way that is within 500 feet of any other outdoor pay telephone, whether on private property or in the right-of-way.

(i) The 500 feet restrictions in this Section shall not apply to any retail gas service station. The 500 feet restrictions shall also not apply to: the Central Business District as defined in Section 325.12 of the Codified Ordinances; the Flats Oxbow Revitalization District; the University Circle institutional area defined as the area included within and bounded by both sides of East 105 Street, East Boulevard, Ford Road, and Euclid Avenue; Regional Transit Authority rapid stations and the adjacent right-of-way; hospitals, universities, and Cuyahoga Community College and the adjacent right-of-way; and strip shopping centers and the adjacent right-of-way. All other requirements of this Chapter apply to outdoor pay telephones in the areas named in this division.

(j) An owner may apply in writing to the Commissioner for an exemption from the 500 feet restriction to place multiple outdoor pay telephones at one location, due to a demonstrated appropriate use or need for additional outdoor pay telephones as a result of a high level of pedestrian and automobile traffic, and a concentration of heavy usage of pay telephones at that location. Any such application shall be referred to the Director of Planning for review and approval, and if so approved, shall be submitted to Council for action. If Council passes an ordinance approving the exemption, such ordinance shall be forwarded to the Commissioner who shall attach the approved exemption to the license of the owner or as an amendment to the owner's contract, and the owner then may apply for permits for additional phones, as approved.

(k) For the purposes of this section, the submission of a completed application for a permit for a telephone on private property or in the right-of-way, shall be considered a placement of a pay telephone.

**Section 2.** That existing Section 670B.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No 583-04 passed April 5, 2004 is hereby repealed.

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

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

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

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

**Res. No. 16-05.**

**By Council Member Britt.**

**An emergency resolution withdrawing objections to the renewal of a C2 and C2X Liquor Permit at 2249 East 105th Street and repealing Resolution Nos. 1286-03 and 1544-04, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2249 East 105th Street by Resolution No. 1286-03 adopted by the Council on July 16, 2003 and Resolution No. 1544-04 adopted by the Council on August 11, 2004; and

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

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

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

**Section 1.** That objections to a C2 and C2X Liquor Permit to Jerry Saa, DBA PNG Supermarket, 2249 East 105th Street, Cleveland, Ohio 44106, Permanent Number 7644062 be and the same is hereby withdrawn and Resolution No. 1286-03 and Resolution No. 1544-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 17-05.**

**By Council Member Johnson.**

**An emergency resolution objecting to a New C1 Liquor Permit at 11201 Forest Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Andrew Rich, 11201 Forest Avenue, Cleveland, Ohio 44104, Permanent Number 7346630; 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 Andrew Rich, 11201 Forest Avenue, Cleveland, Ohio 44104, Permanent Number 7346630; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 18-05.**

**By Council Member Cimperman.**

**An emergency resolution objecting to the transfer of a liquor license of a D1, D2, D3 and D3A Liquor Permit to 1213 West 6th Street.**

Whereas, Council has been notified by the Department of Liquor

Control of an application for the transfer of a liquor license of a D1, D2, D3 and D3A Liquor Permit from Hanada Corp., DBA Sol Tushman Rcvr., 5400 Broadway Avenue, 1st floor and basement, Cleveland, Ohio 44127, Permanent Number 3564850 to Flo Café, LLC, 1213 West 6th Street, Cleveland, Ohio 44113, Permanent Number 2786257; 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 a liquor license of a D1, D2, D3 and D3A Liquor Permit from Hanada Corp., DBA Sol Tushman Rcvr., 5400 Broadway Avenue, 1st floor and basement, Cleveland, Ohio 44127, Permanent Number 3564850 to Flo Café, LLC, 1213 West 6th Street, Cleveland, Ohio 44113, Permanent Number 2786257, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 19-05.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit at 2121 Euclid Avenue and repealing Resolution No. 1982-04, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 2121 Euclid Avenue by Resolution No. 1982-04 adopted by the Council on October 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 the transfer of ownership of a D1 and D2 Liquor Permit to Aramark Educational Services, Inc., DBA Tortilla Fresca, 2121 Euclid Avenue, bsmt., southwest corner, Cleveland, Ohio 44115, Permanent Number 02520690015 be and the same is hereby withdrawn and Resolution No. 1982-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 20-05.**

**By Council Member Polensek.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 910 East 185th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Mascot Petroleum Co., Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 56036170115 to Sunoco, Inc., R & M, DBA Sunoco 6045, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 86967980080; 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 C1 and C2 Liquor Permit from Mascot Petroleum Co., Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 56036170115 to Sunoco, Inc., R & M, DBA Sunoco 6045, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 86967980080; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 21-05.**

**By Council Member White.**  
**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 4591 Turney Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Joan Tirpak, DBA

Johnny's Club, 4591 Turney Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8945759 to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent Number 2262582; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Joan Tirpak, DBA Johnny's Club, 4591 Turney Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8945759 to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent Number 2262582; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read

third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 22-05.**

**By Council Member White.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit at 10808 Dove Avenue, 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 Hizma, Inc., DBA Dove Mini Market, 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 3875405 to Ocean, Inc., 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 6503136; 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 Hizma, Inc., DBA Dove Mini Market, 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 3875405 to Ocean, Inc., 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 6503136; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

**Res. No. 46-05.**

**By Council Members Zone, Reed, Cimperman, Jackson, Britt, Gordon and Westbrook.**

**An emergency resolution declaring the last week of January of each year "Live Theater Week" in the City of Cleveland.**

Whereas, beginning with the world's first dramatic performance held on the banks of the Nile River in 2000 B.C., live theater has established itself as an indispensable form of human expression by offering the value of insight that comes from seeing the world through the eyes of others; and

Whereas, live theater is among Cleveland's many notable arts and culture achievements; and

Whereas, live theater attracts patrons to the City of Cleveland; and

Whereas, live theater is an important community resource enriching the cultural fabric of Cleveland and our region by bringing to life ideas representing the complex diversity held by this region and the world;

Whereas, live theater serves as a powerful force to dissolve misunderstandings and dispel stereotypes; and

Whereas, live theater is a cherished art form within this community and deserves financial and moral support; and

Whereas, this Council wishes to promote public awareness of and appreciation for Cleveland's live theaters by declaring the last week of January of each year "Live Theater Week"; 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 declares the last week of January of each year "Live Theater Week" in the City of Cleveland.

**Section 2.** That the Clerk of Council is requested to send a copy of this resolution to the Community Partnership for Arts and Culture and The Greater Cleveland Growth Association.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1461-04.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the U.S. Department of Labor, Employment and Training Administration for the Year 5 Youth Opportunity Program; and to enter into one or more contracts with Vocational Guidance Services, Inc. for the continued development, operation, and implementation of the program.

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

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

**Ord. No. 2197-04.**

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

An emergency ordinance authorizing the retention and use of revenue by the general fund from tax remittances collected by Cleveland Public Power during the year 2005, and authorizing Cleveland Public Power to apply any remaining proceeds from previously collected tax remittances and interest thereon, and up to \$2 million from revenues generated by an existing charge, to the replacement of copper naphthenate poles in the Cleveland Public Power System, for other capital improvements in the Cleveland Public Power System, or for payment of bonded indebtedness.

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

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

**MOTION**

By Council Member Pierce Scott, seconded by Council Member Dolan and unanimously carried that the absence of Council Member Joe Cimperman, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:35 p.m. to meet on Monday, January 24, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

January 5, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 5, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Beasley, Acting Director Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Taylor and Williams.

Absent: Directors Ricchiuto, Huth and Fumich.

Others: Jim Hardy, Acting Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

**Resolution No. 1-05.**

By Director Watson.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name:

**Serial No.**

John Cho	9MM, 5943	VJN7475
Timothy Clark	9MM, 5946	VJD4943
Louis Collier	9MM, 5943	TYR6062
Kevin Dunlay	9MM, 5943	TVA6846
Kenneth Florjancic	9MM, 5943	VJN7502
James Gajowski	9MM, 6906	TCK7839
Sean Gorman	9MM, 5946	VJD4631
Frank Giuliano	9MM, 5943	TFK4904
Leslie Hahn	9MM, 5946	TDN6831
Robert Haug	9MM, 5943	TFL6559
Rosel Hurley	9MM, 5943	VCT2599
Terancity Jones-Green	9MM, 5943	TVB0303
John Kiggins	9MM, 5943	TFK5452
Carolyn Ludrosky	9MM, 5946	TDP8592
Rodney McClendon	9MM, 5943	TFK6744
Mathew Payne	9MM, 5943	VCT2674
Richard Phillips	9MM, 5943	VCT2610
Harold Pretel	9MM, 5943	TYR6178
Tom Rakovec	9MM, 5943	VED1523
Alan Sardon	9MM, 5903	TCZ2175
Mathew Slatkovsky	9MM, 5943	VAK7537
Louis Vertosnik	9MM, 5943	VYY5210
Albert Walton	9MM, 5943	TVH4847
Willie Williams	9MM, 5943	TFK4938
Joseph Yelko	9MM, 5943	VHM0352
David Zedella	9MM, 5943	TFK5370
David Zemba	9MM, 5946	VJD9454

Yeas: Mayor Campbell, Director Beasley, Acting Director Dumas, Directors Ciaccia, Mok, Carroll, Act-

ing Director Pettus, Directors Ronayne, Rush, Routen, Taylor and Williams.

Nays: None.

Absent: Directors Ricchiuto, Huth and Fumich.

**Resolution No. 2-05.**

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on November 17, 2004 for Luke Easter Park Playground Improvements for the Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance Nos. 1114-02 and 2151-03, passed by the Council of the City of Cleveland on June 17, 2002 and December 15, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Director Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Taylor and Williams.

Nays: None.

Absent: Directors Ricchiuto, Huth and Fumich.

**Resolution No. 3-05.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 127-17-133, located at Kingsbury Boulevard under said Land Reutilization Program; and

Whereas, Ordinance No. 2062-04 passed December 6, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Anthony Scott had proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2062-04 passed December 6, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Anthony Scott for the sale and development of Permanent Parcel No. 127-17-133, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Taylor and Williams.

Nays: None.

Absent: Directors Ricchiuto, Huth and Fumich.

**Resolution No. 4-05.**

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with

the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 106-07-150, located at East 82nd Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1283-04 passed December 6, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, James Justice has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1283-04 passed December 6, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with James Justice for the sale and development of Permanent Parcel No. 106-07-150, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Taylor and Williams.

Nays: None.

Absent: Directors Ricchiuto, Huth and Fumich.

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, JANUARY 24, 2005

9:30 A.M.

**Calendar No. 04-327:** 3547 East 93rd Street (Ward 3)

Gill Taylor, owner, appeals to establish use for a tow truck storage and a dispatch office a one-story concrete block building, situated on a 40' x 115' corner lot in a General Retail Business District on the southeast corner of East 93rd Street and Gibson Avenue at 3547 East 93rd Street; subject to the limitations of Section 343.11, the proposed use for tow truck storage and dispatching is not permitted in a General Retail Business District but first permitted in a Semi-Industry District.

**Calendar No. 04-328:** Appeal of North Coast Payphones, Inc.

North Coast Payphones, Inc. and Howard Meister, appeal under authority of Section 76-6 of the Charter of the City of Cleveland from a decision of the Commissioner of Assessments and Licenses to deny multiple payphone permit applications, identified in writing by correspondence to the appellant dated December 7, 2004.

**Calendar No. 04-329:** 2820 Detroit Avenue (Ward 13)

Detroit Avenue Lofts LLC and James Sosan, owners, appeal to establish use of an existing four-story masonry building situated on a 94' x 164' lot in a Semi-Industry District on the north side of Detroit Avenue at 2820 Detroit Avenue; contrary to Sections 352.10 and 352.11, a 4' wide landscape strip is proposed where a 6' width is required along Detroit Avenue between the parking lot and the street, and Section 357.14 prohibits the proposed front yard encroachment for the parking lot; and contrary to Sections 357.08(b)(2), a 4' rear yard depth is proposed where 26' is required and a 6' high fence is proposed in the front yard, where a 4' height is allowed in a non-residential district, as stated in Sections 358.05(b)(2) of the Codified Ordinances.

**Calendar No. 04-331:** 10733 Leuer Avenue (Ward 8)

Liberty Self-Storage c/o Rebecca Doty, owner, and Clear Channel Outdoor, lessee, appeal to erect a 672 s/f electronically changeable copy billboard on an existing 65' high, 14' x 48' double face billboard sign, situated on acreage located in a B-3 Semi-Industry District on the south side of Leuer Avenue at 10733 Leuer Avenue; as proposed, no panels of the existing billboard are to be replaced, contrary to Sections 350.10(1)(5) that permits a new or reconstructed automatic, changeable copy billboard, only if each new panel replaces two or more billboard panels on a single parcel of property or on adjacent properties; and no

plan for site and design improvements is provided, contrary to the requirements in Sections 350.10(1)(1) of the Codified Ordinances.

**Calendar No. 04-332:** 2120 West 55th Street (Ward 17)

Valley Associates c/o Ted Soberey, owner, and Clear Channel Outdoor, lessee, appeal to erect a 672 s/f electronically changeable copy billboard on an existing 100' high, two-sided, illuminated 14' x 48' billboard, situated on an approximate 60' x 154' lot in a B-3 General Industry District on the west side of West 55th Street at 2120 West 55th Street; as proposed, no panels of the existing billboard are to be replaced, contrary to Sections 350.10(1)(5), that permits a new or reconstructed automatic, changeable copy billboard only if each new panel replaces two or more billboard panels on a single parcel of property or on adjacent properties, and no plan for site and design improvements is provided, contrary to the requirements in Sections 350.10(1)(1) of the Codified Ordinances.

**Calendar No. 04-333:** 2019 West 3rd Street (Ward 13)

United Garage and Service Corporation c/o Terry Gump, owner, and Clear Channel Outdoor, lessee, appeal to erect a 672 s/f electronically changeable copy billboard on an existing 160' high 14' x 48' billboard situated on an approximate 90' x 134' lot in a B-3 General Industry District on the northeasterly side of West 3rd Street at 2019 West 3rd Street; as proposed, no panels of the existing billboard are to be replaced, contrary to Sections 350.10(1)(5), that permits a new or reconstructed automatic, changeable copy billboard, only if each new panel replaces two or more billboard panels on a single parcel of property or on adjacent properties, and no plan for site and design improvements is provided, contrary to the requirements in Sections 350.10(1)(1) of the Codified Ordinances.

**Calendar No. 04-334:** 3185 Independence Road (Ward 13)

Wheeling & Lake Erie Rail Road c/o Clarence Jaeger, owner, and Clear Channel Outdoor, lessee, appeal to erect a 672 s/f electronically changeable copy billboard on an existing 80' high 14' x 48' two sided illuminated billboard sign, situated on acreage in an A-3 Unrestricted Industrial District on the east side of Independence Road at 3185 Independence Road; as proposed, no panels of the existing billboard are to be replaced, contrary to Sections 350.10(1)(5), that permits a new or reconstructed automatic, changeable copy billboard, only if each new panel replaces two or more billboard panels on a single parcel of property or on adjacent properties, and no plan for site and design improvements is provided, contrary to the requirements in Sections 350.10(1)(1) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, JANUARY 10, 2005**

At the meeting of the Board of Zoning Appeals on Monday, January 10, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 04-314:** 936 East 152nd Street

Walter Williams appealed to construct two commercial buildings on a corner lot in split zoning for Local Retail Business and Two-Family Districts.

**Calendar No. 04-315:** 11919-21 Lorain Avenue

Property Enterprise of Ohio LLC and Walk of Faith Fellowship appeal to establish a teen "drop-in" center in a General Retail Business District.

**Calendar No. 04-316:** 623 Euclid Avenue

MRN Ltd appealed to expand a nonconforming use of an existing commercial building in a General Retail Business District.

**Calendar No. 04-318:** 11021 East Boulevard

Cleveland Institute of Music appealed to place two trailers for a temporary period of time during construction in a Multi-Family District.

**Calendar No. 04-319:** 12510 Cooley Avenue

Sebastian Massa appealed to install a 5' high wooden fence to the side of an existing dwelling in a Two-Family District; subject to conditions and reduced fence height.

**Calendar No. 04-258:** 14024-26 Triskett Road

Mark DeVault appealed to install a wall sign to be painted on a commercial building in a Local Retail Business District.

The following appeals were **Denied**:

**None.**

The following appeals were **Postponed**:

**Calendar No. 04-317:** 14114-18 Miles Avenue postponed to February 7, 2005.

**Calendar No. 04-300:** Violation Notice — 3666 West 139th Street — Department of Building and Housing suspends any further action pending final decision on appellant's appeal for a variance.

In Executive Session on January 10, 2005, the following appeals heard by the Board on January 3, 2005 were adopted and approved.

The following appeals were **Approved**:

**Calendar No. 04-311:** 1440 West 57th Street

Emad Wahba appealed to erect a two-story room addition to a non-conforming three family dwelling in a Two-Family District.

**Calendar No. 04-312:** 11703 Corlett Avenue

Phillipi Missionary Baptist Church appealed to erect a free-standing 6' x 4' sign and reader board in the front yard of a nonconforming church in a Multi-Family District.

**Calendar No. 04-313:** 2420 Fairdale Avenue

Leonard Mach appealed to install a three level deck system in the rear yard of a one family dwelling in an A1 One-Family District; subject to condition regarding fence.

**Calendar No. 04-225:** 16911 Euclid Avenue

Roderick McClendon appealed to establish a used car sales lot as an additional use with an existing non-conforming car repair garage in a Local Retail Business District.

**Calendar No. 04-293:** 2444 West 7th Street

Parkhill Associates appealed to erect a two-story dwelling on a 33' x 160' lot in a Two-Family District.

**Calendar No. 04-294:** 2448 West 7th Street

Parkhill Associates appealed to erect a two-story dwelling on a 36' x 160' lot in a Two-Family District.

**Calendar No. 04-295:** 2452 West 7th Street

Parkhill Associates appealed to erect a two-story dwelling on a 33' x 153' lot in a Two-Family District.

**Calendar No. 04-296:** 2454 West 7th Street

Parkhill Associates appealed to erect a two-story dwelling on a 33' x 151' lot in a Two-Family District.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**FRIDAY, JANUARY 28, 2005**

**Collinwood Athletic Complex**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 2243-03 and 1670-04, passed by the Council of the City of Cleveland, December 15, 2003 and November 15, 2004, respectively.

**THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

**THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, JANUARY 20, 2005 AT 2:00 P.M., BURKE LAKEFRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114. THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

**Department of Public Service Sprinkler Work (Former Aviation High School)**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No.



2066-04, passed by the Council of the City of Cleveland, October 25, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JANUARY 20, 2005 AT 10:00 A.M., DIVISION OF ARCHITECTURE, CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 12, 2005 and January 19, 2005

**WEDNESDAY, FEBRUARY 2, 2005**

**Sport Utility Vehicle (SUV) 4X4**, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 25, 2005 AT 3:00 P.M., DIVISION OF

MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**Animal Transport Van Interior**, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 25, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**Purchase of Auto and Truck Batteries**, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 772-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JANUARY 27, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

January 12, 2005 and January 19, 2005

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

NO MEETINGS

Index

O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
Bold type in sections indicates amendments

**Board of Control — Community Development Department**

East 82nd Street (Ward 7) — PPN 106-07-150 — to James Justice per Ord. 1283-04 (BOC Res. 4-05) ..... 26  
Kingsbury Boulevard (Ward 3) — PPN 127-17-133 — to Anthony Scott per Ord. 2062-04 (BOC Res. 3-05) ..... 26

**Board of Control — Finance Department**

Sell service revolvers to police officers — pursuant to C.O. Sec. 181.19(b) (BOC Res. 1-05) ..... 26

**Board of Control — Land Reutilization Program**

East 82nd Street (Ward 7) — PPN 106-07-150 — to James Justice per Ord. 1283-04 (BOC Res. 4-05) ..... 26  
Kingsbury Boulevard (Ward 3) — PPN 127-17-133 — to Anthony Scott per Ord. 2062-04 (BOC Res. 3-05) ..... 26

**Board of Control — Land Reutilization Program (Ward 3)**

Kingsbury Boulevard (Ward 3) — PPN 127-17-133 — to Anthony Scott per Ord. 2062-04 (BOC Res. 3-05) ..... 26

**Board of Control — Land Reutilization Program (Ward 7)**

East 82nd Street (Ward 7) — PPN 106-07-150 — to James Justice per Ord. 1283-04 (BOC Res. 4-05) ..... 26

**Board of Control — Luke Easter Park**

Playground improvements — per Ord. 1114-02, 2151-03 — all bids rejected — Dept. of Parks, Recreation and Properties (BOC Res. 2-05) ..... 26

**Board of Control — Parks, Recreation and Properties Department**

Luke Easter Park Playground improvements — per Ord. 1114-02, 2151-03 — all bids rejected (BOC Res. 2-05) ..... 26

**Board of Control — Police Division**

Sell service revolvers to police officers — pursuant to C.O. Sec. 181.19(b) (BOC Res. 1-05) ..... 26

**Board of Control — Public Safety Department**

Sell service revolvers to police officers — pursuant to C.O. Sec. 181.19(b) (BOC Res. 1-05) ..... 26

**Board of Control — Purchases and Supplies Division**

Sell service revolvers to police officers — pursuant to C.O. Sec. 181.19(b) (BOC Res. 1-05) ..... 26

**Board of Zoning Appeals — Report**

Cooley Avenue, 12510, (Ward 19) — Sebastian Massa, owner — appeal heard on 1/10/05  
(Cal. 04-319)..... 28

Corlett Avenue, 11703, (Ward 2) — Phillipi Missionary Baptist Church, c/o Rev. G.E.  
Martin, owner — appeal granted and adopted on 1/10/05 (Cal. 04-312) ..... 28

East 152nd Street, 936, (Ward 11) — Walter Williams, d.b.a., Walters Development, owner —  
appeal heard on 1/10/05 (Cal. 04-314)..... 28

East Boulevard, 11021, (Ward 9) — Cleveland Institute of Music, owner c/o Eric Bower —  
appeal heard on 1/10/05 (Cal. 04-318)..... 28

Euclid Avenue, 16911, (Ward 10) — Roderick McClendon, owner — appeal granted and adopted  
on 1/10/05 (Cal. 04-225) ..... 28

Euclid Avenue, 623, (Ward 13) — MRN Ltd., c/o Rick Maron, owner — appeal heard on 1/10/05  
(Cal. 04-316)..... 28

Fairdale Avenue, 2420, (Ward 16) — Leonard Mach, owner — appeal granted and adopted on  
1/10/05 (Cal. 04-313)..... 28

Lorain Avenue, 11919-21, (Ward 19) — Property Enterprise of Ohio LLC c/o Mervyn Berger,  
owner and Walk of Faith Fellowship c/o Pastor Kevin Kuehmichel — appeal heard  
on 1/10/05 (Cal. 04-315) ..... 28

Miles Road, 14114-14118, (Ward 1) — Susman-Cohen Properties, owner  
c/o Paul Goodrich, agent — appeal postponed to 2/7/05 on 1/10/05 (Cal. 04-317) ..... 28

Triskett Road, 14024-26, (Ward 19) — Mark DeVault, d.b.a., Casey Jones Tavern, owner -  
appeal heard on 1/10/05 (Cal. 04-258)..... 28

West 139th Street, 3666, (Ward 20) — Judith Muldoon, owner — appeal postponed on 1/10/05  
(Cal. 04-300)..... 28

West 57th Street, 1440, (Ward 17) — Emad Wahba, owner — appeal granted and adopted  
on 1/10/05 (Cal. 04-311) ..... 28

West 7th Street, 2444, (Ward 13) — Parkhill Associates c/o Brian McCreary, owner — appeal  
granted and adopted on 1/10/05 (Cal. 04-293) ..... 28

West 7th Street, 2448, (Ward 13) — Parkhill Associates c/o Brian McCreary, owner — appeal  
granted and adopted on 1/10/05 (Cal. 04-294) ..... 28

West 7th Street, 2452, (Ward 13) — Parkhill Associates c/o Brian McCreary, owner — appeal  
granted and adopted on 1/10/05 (Cal. 04-295) ..... 28

West 7th Street, 2454, (Ward 13) — Parkhill Associates c/o Brian McCreary, owner — appeal  
granted and adopted on 1/10/05 (Cal. 04-296) ..... 28

**Board of Zoning Appeals — Schedule**

Detroit Avenue, 2820, (Ward 13) — Detroit Avenue Lofts LLC and James Sosan, owners —  
appeal to be heard on 1/24/05 (Cal. 04-329) ..... 27

East 93rd Street, 3547, (Ward 3) — Gill Taylor, owner — appeal to be heard on 1/24/05  
(Cal. 04-327)..... 27

Independence Road, 3185, (Ward 13) — Wheeling & Lake Erie Rail Road c/o Clarence Jaeger,  
owner and Clear Channel Outdoor, lessee — appeal to be heard on 1/24/05  
(Cal. 04-334)..... 27

Leuer Avenue, 10733, (Ward 8) — Liberty Self-Storage c/o Rebecca Doty, owner and Clear  
Channel Outdoor, lessee — appeal to be heard on 1/24/05 (Cal. 04-331)..... 27

North Coast Payphones, Inc., owner, and Howard Meister — appeal to be heard on 1/24/05  
(Cal. 04-328)..... 27

West 3rd Street, 2019, (Ward 13) — United Garage and Service Corporation, c/o Terry Gump,  
owner and Clear Channel Outdoor, lessee — appeal to be heard on 1/24/05  
(Cal. 04-333)..... 27

West 55th Street, 2120, (Ward 17) — Valley Associates c/o Ted Soberay, owner and Clear  
Channel Outdoor, lessee — appeal to be heard on 1/24/05 (Cal. 04-332)..... 27

**Burke Lakefront Airport**

Marketing and advertising services — various contracts — Cleveland Hopkins  
International and Burke Lakefront Airports (O 8-05)..... 18

**City of Cleveland Bids**

Batteries, auto and truck — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 772-04 — bid due January 28, 2005 (advertised 1/12/2005 and 1/19/2005)..... 29

Collinwood Athletic Complex — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 2243-03, 1670-04 — bid due January 28, 2005 (advertised 1/12/2005 and 1/19/2005) ..... 28

Sport utility vehicle (SUV) — Department of Public Service — per Ord. 1481-04 — bid due January 28, 2005 (advertised 1/12/2005 and 1/19/2005) ..... 29

Sprinkler work at former Aviation High School — Department of Public Service — Division of Architecture — per Ord. 2066-04 — bid due January 28, 2005 (advertised 1/12/2005 and 1/19/2005)..... 28

Van interior, animal transport — Department of Public Service — per Ord. 1481-04 — bid due January 28, 2005 (advertised 1/12/2005 and 1/19/2005)..... 29

**City Planning Commission**

Old River Property — purchase and transfer — Department of Parks, Recreation and Properties (O 10-05)..... 19

Playhouse Square Community Entertainment District (CED) — establish (O 45-05) ..... 21

**Cleveland Clinic Foundation**

Medical Miracles — Television special (F 22-05) ..... 15

**Cleveland Hopkins International Airport**

Marketing and advertising services — various contracts — Cleveland Hopkins International and Burke Lakefront Airports (O 8-05)..... 18

**Cleveland Housing Network**

Valley View Hope VI Revitalization Plan — land reutilization program — amend Ord. 43-04 (O 13-05) ..... 20

**Cleveland Municipal Court**

Disaster recovery plan — citywide — assess, develop, implement, and test — professional consultants (O 4-05)..... 17

**Cleveland Public Power**

Revenue by the general fund — collected during the year 2005 — retention and use (O 2197-04) ..... 26

**Codified Ordinances**

Outdoor pay telephones — amend Section 670B.02 (O 15-05)..... 22

**Communications**

Cleveland Clinic Foundation — Television special — Medical Miracles (F 22-05)..... 15

CT Acquisitions I Inc. — Franchise Transfer Dominion Cleveland Thermal to CT Acquisitions I Inc. (F 24-05)..... 15

Highland Heights, City of — copy of Res. No. 85-2004 — opposition to House Bill 175 (F 25-05) ..... 15

Northeast Ohio Regional Sewer District — start of third phase of the four-year phased rate increase (F 26-05) ..... 15

Ozan, Karen — student at Tri-C — Essay re: Smoking in public places (F 27-05) ..... 15

U.S. Bankruptcy Court — notice of Chapter 7 Bankruptcy Case (F 23-05) ..... 15

**Community Development**

Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16, 18, 19, and 21 NEF (O 12-05) ..... 22

**Condolences**

Banks-Bey, Iverson M. (R 50-05) ..... 16

Blanchard, Richard A. (R 60-05) ..... 16

Bonner, Peter J. (R 54-05) ..... 16

Corrigan, John V. (R 6-05)..... 16

Floyd, Robert O. (R 53-05)..... 16

Jackson, Keith Douglas (R 57-05)..... 16

Jackson, M. Morris (R 47-05).....	16
Libertore, Mary (R 49-05).....	16
Maclin, Jr., Wesley (R 55-05) .....	16
Neim, Donald W. (R 58-05) .....	16
Posey, Peterson (R 48-05).....	16
Ratcliff, Mrs. Iwilla (R 56-05).....	16
Sims, Beryle (R 59-05).....	16
Sims, Janet M. (R 52-05).....	16
Yarbrough, Mary E. (R 51-05).....	16

**Congratulations**

Boyko, Judge Chris (R 66-05).....	16
Loomis, Edward Allen (R 63-05) .....	16
Nagorny, Walter J. (R 67-05) .....	16
Sikora, Judge Peter M. (R 64-05).....	16
Thoc Do, M.D., Dieu (R 65-05) .....	16
Traylor Shorte, Juanita Marie (R 68-05) .....	16
Ware-Abrams, Brenda M. (R 61-05).....	16
White, Robert R. (R 62-05) .....	16

**Contracts**

Baldrige Award concepts — training — Cuyahoga Community College — Port Control (O 9-05) .....	19
Marketing and advertising services — various contracts — Cleveland Hopkins International and Burke Lakefront Airports (O 8-05).....	18
North Point Garage — Contract No. 38823 — amendment (O 2-05).....	17
Year 5 Youth Opportunity Program — grant — Vocational Guidance Services, Inc. — implementation of the program (O 1461-04).....	26

**Cuyahoga Community College**

Baldrige Award concepts — training — Port Control (O 9-05) .....	19
--	----

**Economic Development Department**

Year 5 Youth Opportunity Program — grant — Vocational Guidance Services, Inc. — implementation of the program (O 1461-04).....	26
---	----

**Finance Department**

Desktop support services — IT Help Desk support services — professional consultants (O 3-05) .....	17
Disaster recovery plan — citywide — assess, develop, implement, and test — professional consultants (O 4-05).....	17
Divish, Douglas — oath of office — Commissioner of Information Technology & Services (F 39-05) .....	16
Moral Claims — pay (O 1-05).....	16
North Point Garage — Contract No. 38823 — amendment (O 2-05).....	17

**Grants**

Juvenile Accountability Incentive Block Grant Program, 2005 — Ohio Department of Youth Services (O 5-05).....	17
Year 5 Youth Opportunity Program — Vocational Guidance Services, Inc. — implementation of the program (O 1461-04) .....	26

**House Bill**

Highland Heights, City of — copy of Res. No. 85-2004 — opposition to House Bill 175 (F 25-05) .....	15
--	----

**Information System Services Division**

Divish, Douglas — oath of office — Commissioner of Information Technology & Services (F 39-05) .....	16
---	----

**Land Reutilization Program**

Valley View Hope VI Revitalization Plan — amend Ord. 43-04 (O 13-05) .....	20
--	----

**Law Department**

Beasley, Teresa M. — oath of office — Director of Law (F 38-05) ..... 16

**Liquor Permits**

Brookpark Rd., 2168 — transfer (Ward 16) (F 32-05)..... 16  
 Dove Ave., 10808 — objection (Ward 2) (R 22-05)..... 25  
 E. 105th St., 2249 — objection — withdraw (Ward 6) (R 16-05)..... 23  
 E. 185th St., 910 — objection (Ward 11) (R 20-05)..... 24  
 Euclid Ave., 16417-19 — transfer (Ward 10) (F 36-05)..... 16  
 Euclid Ave., 2121 — objection — withdraw (Ward 13) (R 19-05)..... 24  
 Fleet Ave., 6400 — transfer (Ward 12) (F 33-05)..... 16  
 Forest Ave., 11201 — objection (Ward 4) (R 17-05)..... 23  
 Kinsman Ave., 7001 — transfer (Ward 5) (F 34-05)..... 16  
 Lake Ave., 8701 — transfer (Ward 18) (F 37-05)..... 16  
 St. Clair Ave., 2549 — transfer (Ward 13) (F 31-05)..... 15  
 Superior Ave., 12000 — new (Ward 9) (F 28-05)..... 15  
 Turney Rd., 4591 — objection (Ward 2) (R 21-05)..... 24  
 Turney Rd., 4591 — transfer (Ward 2) (F 30-05)..... 15  
 W. 32nd St., 3332 — new (Ward 14) (F 29-05)..... 15  
 W. 46th St., 3355 — transfer (Ward 14) (F 35-05)..... 16  
 W. 6th St., 1213 — objection (Ward 13) (R 18-05)..... 23

**Moral Claims**

Moral Claims — pay (O 1-05)..... 16

**Neighborhood Equity Funds**

Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16,  
 18, 19, and 21(O 12-05)..... 22

**Northeast Ohio Regional Sewer District**

Rate increase — start of third phase of the four-year phased (F 26-05)..... 15

**Oath of Office**

Beasley, Teresa M. — Director of Law (F 38-05)..... 16  
 Divish, Douglas — Commissioner of Information Technology & Services  
 (F 39-05) ..... 16  
 Green, Prioleau — Deputy Chief of Police (F 40-05)..... 16  
 Horvath, Richard F. — Chief Counsel (F 41-05)..... 16

**Ohio Department of Transportation (ODOT)**

Memorial Shoreway — resurface — from the Main Avenue Bridge to the Innerbelt curve  
 (O 7-05) ..... 18

**Parking**

E. 120th St., Coltman Rd., E. 123rd St., & E. 126th St. — between Mayfield and Euclid  
 Aves. — designate residential permit parking areas (R 11-05)..... 22

**Parks, Recreation and Properties Department**

Bisbee Park Site Improvements — Contract No. 61640 (F 44-05)..... 16  
 Lincoln Park Site Improvements — Contract No. 62194 (F 42-05)..... 16  
 Old River Property — purchase and transfer (O 10-05)..... 19  
 Thurgood Marshall Recreation Center, Helen Simpson Park And Orr Park Site Improvements  
 — Contract No. 62696 (F 43-05) ..... 16

**Playgrounds**

E. 113th St. & St. Clair Ave. — playground — name — “James O’Neal Johnson Family  
 Playground” (O 14-05)..... 21

**Police Division**

Green, Prioleau — oath of office — Deputy Chief of Police (F 40-05)..... 16

**Port Control Department**

Baldridge Award concepts — training — Cuyahoga Community College — Port Control (O 9-05) ..... 19  
 Marketing and advertising services — various contracts — Cleveland Hopkins  
 International and Burke Lakefront Airports (O 8-05)..... 18

**Purchases and Supplies Division**

Old River Property — purchase and transfer — Department of Parks, Recreation and  
 Properties (O 10-05) ..... 19

**Recognition**

Krance, Don (R 70-05)..... 16  
 Phe'be Foundation (R 69-05) ..... 16

**Resolutions — Miscellaneous**

Live Theater Week — declaring — last week of January (R 46-05) ..... 25

**Safety Department**

CT Acquisitions I Inc. — Franchise Transfer Dominion Cleveland Thermal to CT  
 Acquisitions I Inc. (F 24-05)..... 15  
 Green, Prioleau — oath of office — Deputy Chief of Police (F 40-05)..... 16

**Service Department**

E. 113th St. & St. Clair Ave. — playground — name — “James O’Neal Johnson Family  
 Playground” (O 14-05) ..... 21  
 E. 120th St., Coltman Rd., E. 123rd St., & E. 126th St. — between Mayfield and Euclid  
 Aves. — designate residential permit parking areas (R 11-05)..... 22  
 Memorial Shoreway — resurface — from the Main Avenue Bridge to the Innerbelt curve  
 (O 7-05) ..... 18

**Statement of Work Acceptance**

Bisbee Park Site Improvements — Contract No. 61640 — Dept. of Parks, Recreation  
 and Properties (F 44-05)..... 16  
 Lincoln Park Site Improvements — Contract No. 62194 — Dept. of Parks, Recreation and  
 Properties (F 42-05)..... 16  
 Thurgood Marshall Recreation Center, Helen Simpson Park And Orr Park Site Improvements  
 — Contract No. 62696 — Dept. of Parks, Recreation and Properties (F 43-05)..... 16

**Utilities Department**

Revenue by the general fund — collected during the year 2005 — Cleveland Public Power  
 — retention and use (O 2197-04) ..... 26

**Ward 01**

Banks-Bey, Iverson M. — condolence (R 50-05)..... 16  
 Bonner, Peter J. — condolence (R 54-05) ..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 Floyd, Robert O. — condolence (R 53-05) ..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Maclin, Jr., Wesley — condolence (R 55-05)..... 16  
 Sims, Janet M. — condolence (R 52-05)..... 16  
 Traylor Shorte, Juanita Marie — congratulation (R 68-05)..... 16

**Ward 02**

Blanchard, Richard A. — condolence (R 60-05)..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 Dove Ave., 10808 — objection — liquor permit (R 22-05)..... 25  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Sims, Beryle — condolence (R 59-05) ..... 16  
 Turney Rd., 4591 — objection — liquor permit (R 21-05) ..... 24  
 Turney Rd., 4591 — transfer — liquor permit (F 30-05) ..... 15

**Ward 03**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 04**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Forest Ave., 11201 — objection — liquor permit (R 17-05)..... 23  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 05**

Banks-Bey, Iverson M. — condolence (R 50-05)..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Kinsman Ave., 7001 — transfer — liquor permit (F 34-05)..... 16  
 Ware-Abrams, Brenda M. — congratulation (R 61-05)..... 16  
 Yarbrough, Mary E. — condolence (R 51-05)..... 16

**Ward 06**

Corrigan, John V. — condolence (R 6-05)..... 16  
 E. 105th St., 2249 — objection — withdraw — liquor permit (R 16-05)..... 23  
 E. 120th St., Coltman Rd., E. 123rd St., & E. 126th St. — between Mayfield and Euclid  
     Aves. — designate residential permit parking areas (R 11-05)..... 22  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 07**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Ratcliff, Mrs. Iwilla — condolence (R 56-05)..... 16

**Ward 08**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, Keith Douglas — condolence (R 57-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 White, Robert R. — congratulation (R 62-05)..... 16

**Ward 09**

Corrigan, John V. — condolence (R 6-05)..... 16  
 E. 113th St. & St. Clair Ave. — playground — name — “James O’Neal Johnson Family  
     Playground” (O 14-05)..... 21  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Phe’be Foundation — recognition (R 69-05)..... 16  
 Posey, Peterson — condolence (R 48-05)..... 16  
 Superior Ave., 12000 — new — liquor permit (F 28-05)..... 15

**Ward 10**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Euclid Ave., 16417-19 — transfer — liquor permit (F 36-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 11**

Boyko, Judge Chris — congratulation (R 66-05)..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 E. 185th St., 910 — objection — liquor permit (R 20-05)..... 24  
 Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16,  
     18, 19, and 21 NEF (O 12-05)..... 22  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Krance, Don — recognition (R 70-05)..... 16  
 Nagorny, Walter J. — congratulation (R 67-05)..... 16  
 Sikora, Judge Peter M. — congratulation (R 64-05)..... 16  
 Thoc Do, M.D., Dieu — congratulation (R 65-05)..... 16

**Ward 12**

Boyko, Judge Chris — congratulation (R 66-05)..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 Fleet Ave., 6400 — transfer — liquor permit (F 33-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Nagorny, Walter J. — congratulation (R 67-05)..... 16  
 Neim, Donald W. — condolence (R 58-05)..... 16  
 Sikora, Judge Peter M. — congratulation (R 64-05)..... 16  
 Thoc Do, M.D., Dieu — congratulation (R 65-05)..... 16

**Ward 13**

Boyko, Judge Chris — congratulation (R 66-05)..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 Euclid Ave., 2121 — objection — withdraw — liquor permit (R 19-05)..... 24  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Memorial Shoreway — resurface — from the Main Avenue Bridge to the Innerbelt curve  
 (O 7-05) ..... 18  
 Nagorny, Walter J. — congratulation (R 67-05) ..... 16  
 North Point Garage — Contract No. 38823 — amendment (O 2-05)..... 17  
 Old River Property — purchase and transfer — Department of Parks, Recreation and  
 Properties (O 10-05) ..... 19  
 Playhouse Square Community Entertainment District (CED) — establish (O 45-05) ..... 21  
 Sikora, Judge Peter M. — congratulation (R 64-05) ..... 16  
 St. Clair Ave., 2549 — transfer — liquor permit (F 31-05) ..... 15  
 Thoc Do, M.D., Dieu — congratulation (R 65-05) ..... 16  
 Valley View Hope VI Revitalization Plan — land reutilization program — amend Ord. 43-04  
 (O 13-05)..... 20  
 W. 6th St., 1213 — objection — liquor permit (R 18-05)..... 23

**Ward 14**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 W. 32nd St., 3332 — new — liquor permit (F 29-05) ..... 15  
 W. 46th St., 3355 — transfer — liquor permit (F 35-05)..... 16

**Ward 15**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 16**

Brookpark Rd., 2168 — transfer — liquor permit (F 32-05) ..... 16  
 Corrigan, John V. — condolence (R 6-05)..... 16  
 Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16,  
 18, 19, and 21 NEF (O 12-05) ..... 22  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Loomis, Edward Allen — congratulation (R 63-05) ..... 16

**Ward 17**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 18**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16,  
 18, 19, and 21 NEF (O 12-05) ..... 22  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Lake Ave., 8701 — transfer — liquor permit (F 37-05)..... 16

**Ward 19**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16,  
 18, 19, and 21 NEF (O 12-05) ..... 22  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 20**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Jackson, M. Morris — condolence (R 47-05)..... 16

**Ward 21**

Corrigan, John V. — condolence (R 6-05)..... 16  
 Heritage Home Preservation Program — Cleveland Restoration Society — Ward (s) 11, 16,  
 18, 19, and 21 NEF (O 12-05) ..... 22  
 Jackson, M. Morris — condolence (R 47-05)..... 16  
 Libertore, Mary — condolence (R 49-05) ..... 16