

The City Record

Official Publication of the Council of the City of Cleveland



May the Fourth, 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	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	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	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Marin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

Teresa M. Beasley; Councilman Martin J. Sweeney.

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

Director Julius Ciaccia; Council President Frank G. Jackson.

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

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

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

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

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

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

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

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 4, 2005

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CITY COUNCIL

MONDAY, MAY 2, 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, Kelley, Polensek, White, Zone.

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

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Cimperman, Coats, Gordon, 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, Coats, Conwell, Jones, Kelley, White, Zone.

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; 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, May 2, 2005

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

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

Also present were Mayor Campbell, Chief Operating Officer Brown and Directors Beasley, Baker, Ciaccia, Ricchiuto, Carroll, Watson, Rush, Williams, Routen, Huth, Fumich, Johnson, Appolito, Brown, Johnson, and Margaret Jackson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Tossie Wiley, of City Church, located at 9417 Orleans Avenue, Cleveland, Ohio in Ward 2. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 2372-04-D.
Response from property owners objecting to Resolution No. 2372-04 — assessment notice: Euclid-13th

Parking, LLC - R. House, Inc. Received.

File No. 873-05.

From Council President Frank G. Jackson — Committee Assignments. Received.

File No. 874-05.

From Case Western Reserve University — CASE Magazine, spring issue. Received.

File No. 875-05.

Board of Control Resolution No. 209-05 certified copy — Building and Housing Department. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 876-05.

Re: New Application — 7346630 — Andrew Rich, 11201 Forest Avenue, first floor front. (Ward 4). Received.

File No. 877-05.

Re: Transfer of Ownership Application — 7149478 — R. & M. Cairo, LLC, d.b.a. Rite Shop, 14053 Lorain Avenue. (Ward 21). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 878-05—Deacon Richard Blue.

Res. No. 879-05 — Lessie Alberta Reese.

Res. No. 880-05—Concetta Zone.

CONGRATULATION RESOLUTIONS

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

Res. No. 881-05 — The Legal Aid Society of Cleveland.

Res. No. 882-05—Rev. Benjamin F. Gohlstein, Sr.

Res. No. 883-05 — Marie Genevieve Meffan.

Res. No. 884-05 — Franklin Circle Christian Church (Disciples of Christ).

Res. No. 885-05—Zora Kocin.

RECOGNITION RESOLUTIONS

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

Res. No. 886-05 — Human Rights Campaign.

Res. No. 887-05—Sylvester Murray.

WELCOME RESOLUTION

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

Res. No. 888-05 — Senator Hillary Rodham Clinton.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 808-05.****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>
Public Safety Department – Police				
King, Bishop	11749	\$ 500.00	Police	01-600202-672000
Murry, Dolline	11764	40.00	Police	01-600202-672000
Torres, Guillermo	11767	1,453.13	Police	01-600202-672000
Rice, Debra	11768	424.98	Police	01-600202-672000
Wessel, Bobbie	11770	500.00	Police	01-600202-672000
Weathers, Charles	11771	250.00	Police	01-600202-672000
Johnson, Bernice	11780	1,000.00	Police	01-600202-672000
Vega, Hector	11793	250.00	Police	01-600202-672000
Newbecker, Ricki M.	11782	200.00	Police	01-600202-672000
Pruitt, Edna	11787	275.00	Police	01-600202-672000
Davis, James R.	11765	\$ 730.00	Police Impound	01-600202-672000
Amujiogu, Basil	11766	137.76	Police Impound	01-600202-672000
Parrott David, B.	11776	67.50	Police Impound	01-600202-672000
Cox, Michael, Jr.	11783	1,438.60	Police Impound	01-600202-672000
Jackson, Denise	11795	256.56	Police Impound	01-600202-672000
Public Safety Department – Emergency Medical Services				
Jimenez, Angelic	11788	\$ 500.00	EMS	01-600402-672000
Kalman, Helen	11790	500.00	EMS	01-600402-672000
Public Safety Department – Fire				
Bloam, Todd	11791	\$ 500.00	Fire	01-600302-672000
Department of Parks, Recreation and Property – Cemeteries				
Sharp, Robert F.	11639	\$ 875.00	Cemeteries	62 SF 001
Department of Parks, Recreation and Property – Park Maintenance				
Bill, Sophia	11761	\$ 250.00	Park Maintenance	01-701205-672000
Moran, Danielle L.	11779	478.76	Park Maintenance	01-701205-672000
Weathers, Cheryl c/o Weathers, Francis	11781	250.00	Park Maintenance	01-701205-672000
Department of Parks, Recreation and Property – Vacant Lots				
Wolf, Alaina	11762	\$ 250.00	Vacant Lots	01-701205-672000
Stowe, Vicky	11775	100.00	Vacant Lots	01-701205-672000
Dryden, Norma	11785	500.00	Vacant Lots	01-701205-672000
Engineering and Construction				
Swecker, Ralph Jr.	11769	\$ 317.68	Safety Signals	01-600104-672000
Zeller, Martin J.	11792	190.00	Safety Signals	01-600104-672000
Traffic and Engineering				
Pfaff, Richard	03428	\$19,043.28	Div. of Traffic –Eng.	01-400700-672000
Department of Public Services – Waste				
Dobrowski, Kathy	11778	\$ 30.00	Waste Collection	01-400303-672000
Department of Public Utilities – Water				
Parsh, Frank	03454	\$ 350.00	WPC	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. 809-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a mail system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a mail system to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 157036.

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. 810-05.
By Council Members Coats, Cimperman, and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of maintaining detention basins, detention facilities and structures and authorizing the Director of Public Utilities to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of maintaining detention basins, detention facilities and structures, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, pur-

chased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150096)

Section 4. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

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

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

Ord. No. 811-05.
By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating main sewers and sewer connections and authorizing the Director of Public Utilities to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating main sewers and sewer connections, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period for the making of the above public improvement with the lowest responsible bidder or bidders after

competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150105)

Section 4. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

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

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

Ord. No. 812-05.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspections, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of diving and underwater inspections, 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 Division of Water, Department of Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified

term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159348)

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

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

Ord. No. 813-05.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain pump stations, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to repair and maintain pump stations, 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 Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150087)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 814-05.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop and implement a Human Resources Enhancement Program; and authorizing the purchase by one or more requirement contracts of computer hardware, software, and equipment, supplies, and services, including maintenance and training, necessary to implement the program; and authorizing the Director to acquire one or more software licenses, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to 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 develop and implement a comprehensive Human Resources Enhancement Plan ("HREP") for the Division of Water, including but not limited to, assessing and recommending alternatives, designing a HREP plan, recommending pilot programs, recommending a human resources organization structure and staffing competencies, developing a comprehensive program management plan, performing an impact study, performing risk analyses, and supporting professional development activities of targeted staff necessary to perpetuate the HREP.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors 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 develop, design and/or install computer software which may be necessary to implement HREP for the Division of Water, including training and maintenance, for a period not to exceed three years. The Director of Public Utilities is authorized to acquire one or more software licenses from one or more consultants, computer software developers, or vendors or more firms of consultants, computer software developers, or vendors necessary for HREP.

Section 3. The selection of the consultants for the services shall be

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

Section 4. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years of the necessary items of computer hardware, software acquired under any this section only, equipment, supplies, and services, and maintenance on items acquired under this section only, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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 Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 7. That the costs of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, and shall also 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 159352)

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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 815-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Mincom, Inc. for professional services necessary to maintain Mincom/Ellipse software, including technical support, for a period of three years.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Mincom, Inc. for professional services necessary to maintain Mincom/Ellipse software, including technical support, for a period of three years.

on the basis of its proposal dated 22, 2005, in the total sum of \$85,000, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 54 SF 001, Request No. 150097.

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

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

Ord. No. 816-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, for a period not to exceed two years.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, 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 Division of Recreation, Department

of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 136977)

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

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

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

Ord. No. 817-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to remove rubber and any other contaminants from paved surfaces, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to remove rubber and any other contaminants from paved surfaces in the approximate amount as purchased during

the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 133202)

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

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

Ord. No. 818-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to conduct audits of select vendors, tenants and concessionaires of the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to 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 conduct audits of select vendors, tenants and concessionaires of the various divisions of the Department of Port Control.

The selection of the consultants for the services shall be made by

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

be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 133201.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 819-05.

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

An emergency ordinance authorizing the Director of Port control to make alterations and modifications in Contract No. 61473 with Great Lakes Construction Co. for the relocation of NASA's CCL and HTF site at NASA Glenn's Plum Brook Station in Sandusky, Ohio.

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

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

Section 1. That the Director of Port Control is authorized to make the following alterations and modifications in Contract No. 61473 with Great Lakes Construction Co. for the relocation of NASA's CCL and HTF site at NASA Glenn's Plum Brook Station in Sandusky, Ohio, for the Department of Port Control:

Cleveland Hopkins International Airport Expansion Program

NASA-CCL - Subsidiary Agreement - Order of Magnitude Costs

<u>Description</u>	<u>Remarks</u>	<u>Amounts</u>
NASA-CCL		
1. Change Order #14	Remaining contingency monies in the contract	\$ 419,249.20
2. Proposed Global Settlement	See the breakdown (below)	\$ 831,000.00
a. Lack of Productivity (GEM)		\$ 0
b. Additional Project Management Costs		\$ 0
c. "Black and Blue" Commercial issues		\$ 0
d. "Red Items" Commercial Issues		\$ 57,000
e. Conduit & Cable Schedule changes (CM #64)		\$ 180,000
f. Extended Overhead (8/31 - 11/8/05)		\$ 584,000
g. Extra bonding costs for GLC, etc....		\$ 0
h. Interest on "late" payments		\$ 10,000
i. Interest on "late" partial retainer release		\$ 0
	Total Proposed Global Settlement Amount:	\$ 831,000.00
Total Subsidiary Amount	(Remaining contingency monies) - (proposed Global Settlement)	\$ 411,750.80
Original Contract Amount	Funds certified for Contract 61473	<u>\$14,367,470.40</u>
Original Contract Price:	\$14,367,470.40	
Subsidiary Additions	+ 411,750.80	
New Contract Amount	\$14,779,221.20	

which alteration has been recommended in writing by the Director of Port Control, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract in the amount of \$411,750.80, to be paid from Fund No. 60 SF 128.

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. 820-05.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of the Cornell Road bridge; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and to amend Section 4 of Ordinance No. 2011-04, passed December 13, 2004, relating to professional services and right-of-way acquisition for the improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$840,000 and any other funds that may become available for this project, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating the Cornell Road bridge; that the Mayor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$400,000, from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued which are authorized for this purpose, is approved in all respects.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City sells the general obligation bonds which are issued for this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds which are authorized this purpose and from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 6. That Section 4 of Ordinance No. 2011-04, passed December 13, 2004, is amended to read as follows:

Section 4. That the cost of contract or contracts and property acquisition authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 394, 20 SF 500, and from the fund or funds which are credited the proceeds of the sale of general obligation bonds which are authorized for this purpose and from the fund or funds which are credited any grant proceeds which include this purpose, Request No. 149312.

Section 7. That existing Section 4 of Ordinance No. 2011-04, passed December 13, 2004, is repealed.

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, Finance, Law; Committees on Public Service, Finance.

Ord. No. 821-05.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the reconstruction of Jennings Road; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and to amend Section 2 of Ordinance No. 2302-04, passed December 13, 2004, relating to professional services for the improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$3,976,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of reconstructing Jennings Road from Spring Road to Interstate 176; that the Mayor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$994,000, from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized for this purpose, is approved in all respects.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City sells the general obligation bonds which are issued for this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized this purpose and from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 6. That Section 2 of Ordinance No. 2302-04, passed December 13, 2004, is amended to read as follows:

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 394, 20 SF 500, and from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized this purpose and from the fund or funds which are credited any grant proceeds which include this purpose, Request No. 149359.

Section 7. That existing Section 2 of Ordinance No. 2302-04, passed December 13, 2004, is repealed.

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, Finance, Law; Committees on Public Service, Finance.

Ord. No. 822-05.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of Carnegie Avenue; determining the method of making the public improvement; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$3,145,600, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital

improvement of rehabilitating Carnegie Avenue from East 9th Street to Cedar Road; that the Mayor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$786,400, from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized for this purpose, is approved in all respects.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City sells the general obligation bonds which are issued for this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized this purpose and from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 823-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes the real property that is necessary to make the public improvement of repairing and resurfacing St. Clair Avenue.

Whereas, under Ordinance No. 1076-94, passed June, 13, 1994, this Council authorized their consent for the City to cooperate with the State of Ohio and the County of Cuyahoga

in the repair and resurfacing of St. Clair Avenue from East 72nd Street to the Cleveland east corporation line; and

Whereas, the consent agreement authorized by the above ordinance stated that if any additional right-of-ways are required, that the City will arrange to acquire it; and

Whereas, additional right-of-way acquisitions are necessary for this improvement; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes the real property that is necessary to make the improvement of repairing and resurfacing St. Clair Avenue from East 72nd Street to the Cleveland east corporation line, which was authorized by Ordinance No. 1076-94, passed June, 13, 1994.

Section 2. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 3. That the cost of the property acquisition shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, and 20 SF 500, Request No. 157353.

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

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

Ord. No. 824-05.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2006 Recycle, Ohio! Program; authorizing said Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of equipment and supplies for the program.

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

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

Section 1. That the Director of Public Service is authorized to apply for and accept a grant in the approximate amount of \$215,000 from the Ohio Department of Natur-

al Resources, for the 2006 Recycle, Ohio! Program, for the purposes in the summary and according thereto; that the Director of Public Service is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 824-05-A made a part as if fully rewritten, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median county per capita income (MCPCI) of the State of Ohio, payable from Fund No. 01-400307-639905, is approved in all respects.

Section 3. That the Director of Public Service is authorized to enter into an agreement with the Ohio Department of Natural Resources to implement the program.

Section 4. That the Director of Public Service is authorized to enter into one or more contracts with various agencies for the implementation and operation of the program.

Section 5. That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and supplies necessary for implementation and operation of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner which 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 shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

The cost of the contracts or contracts shall be charged against the proper appropriation account 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 certified by the Director of Finance.

Section 6. That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

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

Ord. No. 825-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diesel fuel, will call, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of diesel fuel, will call, 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 Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154140)

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

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

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

Ord. No. 826-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive and truck oils, lubricants, and solvents for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154139)

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

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

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

Ord. No. 827-05.

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to the State of Ohio for the cost of rehabilitating the Adelbert Road Bridge; and authorizing the director to, to accept from University Circle, Inc. a cash donation for lighting and fence improvements on the bridge between Circle Drive and Murray Hill Road.

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

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

Section 1. That this Council authorizes payment to the State of Ohio of the City's share of rehabilitating the Adelbert Road Bridge.

Section 2. That the Director of Public Service is authorized to accept, on behalf of the City of Cleveland, a cash contribution from University Circle, Inc. in an amount of \$30,000 to be used for lighting and fence improvements on the Adelbert Road Bridge between Circle Drive and Murray Hill Road.

Section 3. That the costs of the payment to the State of Ohio shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and from the fund or funds which are credited the cash donation from University Circle, Inc. for lighting and fence improvements on the Adelbert Road Bridge, Request No. 149398.

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

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

Ord. No. 828-05.

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

An emergency ordinance cooperating with the Board of Commissioners of Cuyahoga County for the repair and resurfacing of Lee Road from Miles Avenue to the Cleveland north corporation line; authorizing the Director of Public Service to enter into any relative agreements; determining the method of making the public improvement; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the City of Cleveland cooperates with the Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the

County: the repair and resurfacing of Lee Road (CR-8) from Miles Avenue to the Cleveland north corporation line (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement. If funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds will be deducted from designated project costs prior to the application of the participatory percentages.

Section 3. That the County shall contribute eighty percent (80%) of the cost of construction and construction supervision which is determined to be eligible by the Cuyahoga County Engineer's policies up to a maximum of \$960,000. The anticipated construction cost for this project is \$1,200,000 to determine funding eligibility, the County shall be notified immediately of any significant changes to the scope of work and/or construction cost.

Section 4. That within the corporate limits of the City, the City shall contribute twenty percent (20%) of the cost of construction and construction supervision determined to be eligible by the Cuyahoga County Engineer's policies and one hundred percent (100%) of the cost of engineering, right-of-way, contract administration, and construction and construction supervision determined not eligible by the Cuyahoga County Engineer's policies. Any terms appearing elsewhere in this Agreement which vary from those set forth in this paragraph shall take precedence.

Section 5. That the Director of Public Service is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 6. That on completion of the Improvement, the City will:

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

(b) Maintain the Improvement according to 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 County 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; and

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 7. (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 in the event any additional right-of-way is required for the Improvement the Director of Public Service will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) That the City will make arrangements with and obtain agreements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in a manner as to be clear of any construction called for by the plans of the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) That the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions (a), (b), (e), (f), (g) of this section.

(j) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid manual are met.

(k) 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.

Section 8. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the City will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current engineering practices and principles.

(b) That the City will arrange for the supervision and administration of the construction contract for the Improvement. That the County will review the construction plans for conformance with division (a) of this section. County approval of plans and specifications is required prior to the award of the construction contract. The County will make an inspection of the completed project.

(c) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

(d) That if the Improvement is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

Section 9. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 10. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 11. That the cost of the improvement authorized shall be paid from the fund or funds to which are credited the County's contribution toward the Improvement, and which funds are appropriated for this purpose, and from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, Request No. 149396.

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

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

Ord. No. 829-05.**By Council Members Sweeney and Jackson (by departmental request).**

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle and boat rehabilitation, in the estimated sum of \$11,311,548.00, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

General Fund

<u>Item</u> <u>Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est.</u> <u>Cost</u>
3	Cargo Van, Full-Size	Aging	1	23,000	23,000
43	Passenger Car, Compact-Size	Environment	2	15,500	31,000
47	Pick-Up	Health	1	23,000	23,000
13	Boom Lift w/Trailer	Eng. & Const.	1	90,000	90,000
14	Welder	Eng. & Const.	1	15,000	15,000
20	Pick-Up	MVM	2	25,000	50,000
16	Passenger Car, Compact-Size	MVM (City-Wide)	14	12,000	168,000
17	Passenger Car, Mid-Size	MVM (City-Wide)	12	16,000	192,000
18	Passenger Car, Full-Size	MVM (City-Wide)	3	23,000	69,000
19	SUV, 4X4	MVM (City-Wide)	5	27,000	135,000
22	Pick-Up	Streets	3	30,000	90,000
31	Salt Spreader Insert	Streets	3	9,000	27,000
34	Arrow Board	Streets	4	6,000	24,000
4	Pick-Up	Waste Collection	4	25,000	100,000
9	Sweeper/Scrubber	Waste Collection	1	35,000	35,000
11	Skid-Steer Loader w/Attachments	Waste Collection	1	60,000	60,000
82	Pick-Up Crew Cab	Park Maintenance	6	28,000	168,000
83	Cab/Chassis w/Dump-Spreader-Plow, 4X4	Park Maintenance	4	60,000	240,000
85	Cab/Chassis w/12-15cy Packer Body	Park Maintenance	3	85,000	255,000
89	Tractor Attachments	Park Maintenance	10	4,750	47,500
80	Brush Chipper	Park Maintenance	3	35,000	105,000
91	Stump Cutter	Park Maintenance	2	30,000	60,000
92	Riding Mower	Park Maintenance	3	9,000	27,000
93	Truckster	Park Maintenance	3	17,000	51,000
94	Mobile Stage	Park Maintenance	1	55,000	55,000
95	Trailer	Park Maintenance	6	5,500	33,000
99	Mower	Park Maintenance	6	6,000	36,000
78	Pick-Up	Property Mgt.	1	24,000	24,000
79	Cargo Van, Full-Size	Property Mgt.	3	27,000	81,000
73	Pick-Up	Recreation	1	23,000	23,000
74	15-Passenger Van	Recreation	5	24,000	120,000
75	Cargo Van, Full-Size	Recreation	1	32,000	32,000
77	Snow Blower/Thrower	Recreation	1	7,500	7,500
70	SUV, 4X4	EMS	3	27,000	81,000
40	Pick-Up	House of Corrections	1	25,000	25,000
42	Prisoner Van	House of Corrections	3	30,000	90,000
48	Passenger Car, Full-Size, w/Police Pkg.	Police	80	27,000	2,160,000
49	Passenger Car, Mid-Size, w/Police Pkg.	Police	20	16,000	320,000
50	SUV, 4X4	Police	2	27,000	54,000
53	Prisoner Van	Police	2	40,000	80,000
54	Cab/Chassis w/Tow Body	Police	1	75,000	75,000
TOTALS			229		5,382,000

Enterprise Fund

<u>Item</u>				<u>Extended Est.</u>	
<u>Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	
				<u>Cost</u>	
	Passenger Car, Station Wagon	Water	2	13,500.00	27,000.00
	SUV, 4X4	Water	3	22,000.00	66,000.00
	Pick-Up, 1/4 ton	Water	3	16,500.00	49,500.00
	Pick-Up, 1/2 ton	Water	9	16,700.00	150,300.00
	Pick-Up, 3/4 ton	Water	4	17,500.00	70,000.00
	Pick-Up, 4X4 w/valve turner	Water	1	40,000.00	40,000.00
	Cargo Van, Mini-Van	Water	2	25,500.00	51,000.00
	Cargo Van, Full Size	Water	16	22,000.00	352,000.00
	Cab/Chassis w/USV, Medium	Water	1	45,000.00	45,000.00
	Cab/Chassis w/Dump	Water	1	51,000.00	51,000.00
	Cab/Chassis w/Dump	Water	7	90,000.00	630,000.00
	Air Compressor	Water	11	19,000.00	209,000.00
	Arrow Board	Water	4	4,500.00	18,000.00
	Sidewalk Plow	Water	1	20,000.00	20,000.00
	Trailer	Water	4	11,000.00	44,000.00
	SUV, 4X4	Water Pollution Control	3	26,000.00	78,000.00
	Cab/Chassis w/Flat Bed	Water Pollution Control	1	70,000.00	70,000.00
	Sewer Cleaning Machine	Water Pollution Control	1	90,000.00	90,000.00
	Backhoe w/Impactor	Water Pollution Control	2	110,000.00	220,000.00
	Trailer	Water Pollution Control	2	14,000.00	28,000.00
	Crew Cab 4X4 Pick-Up Trucks	Water Pollution Control	2	27,000.00	54,000.00
	Passenger Car, Mid-Size	Cleveland Public Power	2	21,000.00	42,000.00
	SUV, 4X4	Cleveland Public Power	6	28,000.00	168,000.00
	Pick-Up	Cleveland Public Power	1	25,000.00	25,000.00
	Cargo Van, Mini-Van	Cleveland Public Power	4	26,000.00	104,000.00
	Cargo Van, Full Size	Cleveland Public Power	6	35,400.00	212,400.00
	Step Van	Cleveland Public Power	1	48,000.00	48,000.00
	Cab/Chassis w/USV, Medium	Cleveland Public Power	4	38,000.00	152,000.00
	Cab/Chassis w/Bucket	Cleveland Public Power	3	118,250.00	354,750.00
	Cab/Chassis w/Digger-Derrick	Cleveland Public Power	2	182,000.00	364,000.00
	Pole Trailer/Dinkey	Cleveland Public Power	3	8,100.00	24,300.00
	Snow Removal Vehicles	Airport	6	345,383.00	2,072,298.00
	TOTALS		118		5,929,548.00
	GRAND TOTAL:			\$11,311,548	

Bids shall be taken in such manner as to permit 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 a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of the contract or contracts shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, and 60 SF 001.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation account 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 154160)

Section 4. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases and may enter into contract or contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 830-05.
By Council Members Zone, Sweeney, Cimperman and Jackson (by request).

An emergency ordinance to vacate a portion of Side Avenue N.W.

Whereas, under Resolution No. 1485-04, adopted October 11, 2004, amended by Ordinance No. 2704-04, passed January 31, 2005, this Council declared its intention to vacate a portion of Side Avenue N.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being known as all that portion of the southerly 12 feet of Side Avenue N.W. (width varies) extending from the Easterly line of West 58 Place (13.50 feet wide) Easterly to the West line of the William Wessing Allotment as shown by the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records.

Reviewed and Approved by John Jenkins, Survey Section Chief for E&C.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water and Dominion East Ohio Gas equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Commissioner of the Division of Water, Dominion East Ohio Gas and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

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

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

Ord. No. 831-05.
By Council Members Jackson, Sweeney and Cimperman (by departmental request).

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

Whereas, under Resolution No. 1965-04, adopted December 13, 2004, this Council declared its intention to vacate a portion of the first unnamed alley west of East 79th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

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

Legal description approved by Greg J. Esber, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for SBC equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by SBC and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

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

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

Ord. No. 832-05.
By Council Members Jackson, Sweeney and Cimperman (by departmental request).

An emergency ordinance to vacate a portion of East 43rd Place.

Whereas, under Resolution No. 1856-04, adopted December 13, 2004, this Council declared its intention to vacate a portion of East 43rd Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of East 43rd Place (40 feet wide) extending Southerly from the Southerly line of Pershing Avenue S.E. (60 feet wide) to the Northerly line of that portion of East 43rd Place vacated by Ordinance No. 1795-42 passed January 18, 1943.

Description approved by Greg Esber, Acting Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Dominion East Ohio Gas equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio Gas and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

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

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

**Ord. No. 833-05.
By Council Members Sweeney,
Cimperman, and Jackson (by
request).**

**An emergency ordinance to vacate
a portion of Old Grayton Road, S.W.**

Whereas, under Resolution No. 2239-04, adopted January 31, 2005, this Council declared its intention to vacate a portion of Old Grayton Road, S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Rockport Township Lot No. 4, further bounded and described as follows:

Beginning in the Northerly line of Brookpark Road, S.W. (100 feet wide) at its intersection with the Northwesterly line of Old Grayton Road, S.W. (60 feet wide);

thence North 37° 43' 44" East along said Northwesterly line, 916.13 feet to a point in the Southeasterly line of Relocated Old Grayton Road, S.W. (60 feet wide) as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records; Thence along said Southeasterly line, being the arc of a curve deflecting to the left, an arc distance of 123.28 feet. Said curve having a radius of 410.00 feet, a central angle of 17° 13' 42", and a chord bearing North 45° 31' 06" East, 122.82 feet to a point in the Southwesterly line of a parcel of land conveyed to the State of Ohio by deed dated December 27, 1968 and recorded in Volume 12384, Page 917 of Cuyahoga County Records;

thence South 67° 22' 57" East along said Southwesterly line, 12.68 feet to its intersection with the Southeasterly line of Old Grayton Road, S.W.;

thence South 22° 37' 02" West along said Southeasterly line, 119.34 feet to an angle point therein;

thence South 37° 43' 44" West along said Southeasterly line, 807.39 feet to a point of curvature therein;

thence along the arc of a curve deflecting to the left, an arc distance of 78.18 feet. Said curve having a radius of 35.00 feet, a central angle of 127° 57' 44", and a chord bearing South 26° 15' 10" East, 62.91 feet to a point of tangency on the Northerly line of Brookpark Road, S.W.;

thence South 89° 45' 56" West along said Northerly line, 147.80 feet to the place of beginning.

Legal Description approved by Greg J. Esber, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water Pollution Control equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Commissioner of the Division of Water Pollution Control and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

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

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

Ord. No. 834-05.

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

**An emergency ordinance to vacate
a portion of Pease Court N.W.**

Whereas, under Resolution No. 2371-04, adopted January 31, 2005, this Council declared its intention to vacate a portion of Pease Court NW; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 29 and all that portion of Pease Court (12 feet wide) extending Westerly from the Westerly Right of Way of West 79th Street (29 feet wide) to the Northerly prolongation of the East line of Sub Lot No. 58 in the Chas. Pease Subdivision as shown in Volume 20 Page 12 of the Cuyahoga County Map Records.

Description approved by Greg Esber, Acting Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for SBC equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by SBC and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

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

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

Ord. No. 835-05.

**By Council Member Johnson.
An emergency ordinance to vacate
a portion of Woodhill Court S.E.**

Whereas, under Resolution No. 71-04 adopted March 22, 2004, this Council declared its intention to vacate a portion of Woodhill Court S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being known as all that portion of:

WOODHILL COURT S.E. (10.00 feet wide) extending Easterly from the Easterly line of Ambler Street S.E. (width varies) to the Westerly line of Woodhill Road S.E. (80.00 feet wide).

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water and Dominion East Ohio Gas equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Commissioner of the Division of Water, Dominion East Ohio Gas, and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

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

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

Ord. No. 836-05.

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

An emergency ordinance authorizing the purchase by one or more contracts labor and materials necessary to maintain, repair and test the life safety system at the Cleveland Convention Center, for a period of one year with an additional one-year option to renew.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to maintain, repair and test the life safety system at the Cleveland Convention Center for a gross price, for a period of one year, with one option to renew for one additional year, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 67 SF 001, Request No. 120384.

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

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

Ord. No. 837-05.

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

An emergency ordinance determining the method of making the public improvement of constructing general improvements to the Willard Park garage; and authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing general improvements to the Willard Park garage, for the Division of Parking Facilities, Department of Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

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

Section 3. That the cost of the improvement authorized by this ordinance shall not exceed \$200,000 and shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142496.

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

Ord. No. 838-05.

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

An emergency ordinance determining the method of making the public improvement of constructing general improvements to the Gateway garages; and authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing general improvements to the Gateway garages, for the Division of Parking Facilities, Department of Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

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

Section 3. That the cost of the improvement authorized shall not exceed \$50,000 and shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142497.

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

Ord. No. 839-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of heating, ventilation, air conditioning, and refrigeration equipment, controls and related supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties 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 heating, ventilation, air conditioning, and refrigeration equipment, controls and related supplies, 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 Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 156890)

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

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

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

Ord. No. 840-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of parking equipment, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: parking equipment to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director Parks, Recreation and Properties of may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall not exceed \$820,000 and shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142494.

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

Ord. No. 841-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of one truck, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) truck, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director Parks, Recreation and Properties of may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142498.

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

Ord. No. 842-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials to install a new sump pump system for the Willard Park Garage, including removing the old one and installing an interim system, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more

written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials to install a new sump pump system for the Willard Park Garage, including removing the old one and installing an interim system to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Parks, Recreation and Properties may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142495.

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

Ord. No. 843-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a computerized lighting system for the Willard Park Garage, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a computerized lighting system for the Willard Park Garage to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Parks, Recreation and Properties may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142493.

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

Ord. No. 844-05.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Port Control to enter into an amendment to the Mather Museum lease with the Harbor Heritage Society to relocate the Steamship William G. Museum from East 9th Street to Dock 32.

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 Directors of Parks, Recreation and Properties and Port Control are authorized to enter into an amendment to the Mather Museum lease with the Harbor Heritage Society to relocate the Steamship William G. Mather Museum from East 9th Street to Dock 32.

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

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

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

Ord. No. 845-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 2006 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for the Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is

authorized to apply for and accept a grant in the approximate amount of \$250,000.00, from the Ohio Department of Education, to conduct the 2006 Summer Food Program for the purposes described in the program description; that the Director of Parks, Recreation and Properties is authorized to file all papers and execute all documents necessary to receive the funds under the grant, and that the funds are appropriated for the purposes described in the program description for the grant.

Section 2. That the program description for the grant, File No. 845-05-A, made a part hereof as if fully rewritten is approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three months (June, July and August, 2006) for the breakfast, lunch and snack program to be served at nineteen City recreation centers and various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. 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 shall determine.

Section 4. The cost of the contract or contracts shall be charged against the proper appropriation account, and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Parks, Recreation and Properties is authorized to make one or more written contracts with the following agencies and any additional agencies as determined by the Director for implementation of the 2006 Summer Food Program:

- Broken Pieces Fellowship Church
- Emile deSauze
- R.G. Jones
- Westown Community Center
- 2nd Calvary Baptist Church

Section 6. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted by this ordinance.

Section 7. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for

the Division of Recreation, Department of Parks, Recreation and Properties. 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 shall determine.

Section 8. The cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 9. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 846-05.

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

An emergency ordinance authorizing the Director of Public Safety to modify the existing agreement with the Greater Cleveland Regional Transit Authority to accept police services by GCRTA within such areas as may be agreed to within the City.

Whereas, divisions (Y) and (CC) of Section 306.35 of the Revised Code authorize regional transit authorities to enter into agreements with municipal corporations to permit regional transit authority police officers to exercise full arrest powers for the purpose of preserving the peace and enforcing all laws of the state and ordinances and regulations of the municipal corporation within areas that may be agreed to by the regional transit authority and the municipal corporation; and

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

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

Section 1. That the Director of Public Safety is authorized to modify the existing agreement with the Greater Cleveland Regional Transit Authority ("GCRTA") to permit GCRTA police officers to exercise the authority under divisions (Y) and (CC) of Section 306.35 of the Revised Code within the areas that may be agreed to by the City and GCRTA. The agreement authorized by this ordinance shall contain such provisions as may be needed to protect the interests of the City, in the opinion of the Director of Public Safety or the Director of Law.

Section 2. That the agreement may contain a provision that it may be amended from time to time as the Director of Public Safety and GCRTA deem necessary.

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

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

Ord. No. 847-05.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Zoll Data Systems for the purchase of maintenance and technical support for one year for the EMS Pro Software and to provide an upgrade to the software, for the Department of Public Safety.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Zoll Data Systems. Therefore the Director of Public Safety is authorized to make one or more written contracts with Zoll Data Systems on the basis of its proposal dated April 14, 2005, for maintenance and technical support for one year for the EMS Pro Software and to provide an upgrade to the software, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600402-661600, Request No. 149252.

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

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

Ord. No. 848-05.

By Council Member Conwell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hopkins Avenue to Northeastern Neighborhood Development Corporation.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the

terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 110-20-040, as more fully described below, to Northeastern Neighborhood Development Corporation.

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

P. P. No. 110-20-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 25 in the B. Carl Tremaines Hopkins Avenue Allotment of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 60 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Hopkins Avenue, N.E. and extending back 146.03, feet deep on the Westerly line, 146.54 feet on the broken Easterly line, which is also the Westerly line of East 117th Street, and having a rear line of 38.23 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 849-05.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Manor Avenue to Cleveland Screw Products, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 126-38-009, 126-38-010, 126-38-011 and 126-38-019, as more fully described below, to Cleveland Screw Products, Inc.

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

P. P. No. 126-38-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of the Westerly 30 feet of Sublot No. 17 in James W. Kingsbury's Subdivision which is on the Northerly line of Manor Avenue S.E.; thence North 76.50 feet along the Westerly line of Sub lot No. 17 to the principal place of beginning; thence North 63.50 feet to the Northwesterly corner of Sublot No. 17; thence East 30 feet; thence South 63.50 feet; thence West 30 feet to the principal place of beginning, be the same more or less, but subject to all legal highways. With an easement for egress and ingress through the Southerly part of Sublot No. 17 extending from the Northerly line of Manor Avenue, Northerly 76.50 feet on the stone walk 2' in width, the center line of which is approximately 4.40 feet West of the Easterly line of the 30 foot parcel, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

SUBJECT TO: Easement recited in Volume 8015, Page 630 of Cuyahoga County Records filed 2/10/54.

P. P. No. 126-38-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 17 and 18 in the Kingsbury Subdivision of part of Original One Hundred Acre Lot No. 432, as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Manor Avenue, S.E., at a point distant 10 feet Easterly measured along said Northerly line from the

Southwesterly corner of said Sublot No. 18, said place of beginning being also the Southwesterly corner of land conveyed to Henry F. Tillman by deed dated September 29, 1910 and recorded in Volume 1295, Page 36 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Henry F. Tillman, 75 feet to the Southeast corner of Parcel No. 1 of land conveyed to Justine M. Gifford by deed dated December 14, 1943 and recorded in Volume 5662, Page 233 of Cuyahoga County Records; thence Westerly parallel with the Northerly line of Manor Avenue, S.E., and along the Southerly line of said Parcel No. 1 to the Easterly line of land conveyed to Mary J. Koma by deed dated November 6, 1925 and recorded in Volume 3330, Page 608 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Mary J. Koma, 75 feet to said Northerly line of Manor Avenue, S.E.; thence Easterly along said Northerly line of Manor Avenue, S.E. 30 feet to the principal place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 126-38-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 17 and 18 in the Kingsbury Subdivision of part of Original 100 Acre Lot No. 432, as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Manor Avenue at a point distant 10 feet Easterly measured along said Northerly line from the Southwesterly corner of Sublot No. 18 said place of beginning being also the Southwesterly corner of land conveyed to Henry F. Tillman, by deed dated September 29, 1910 and recorded in Volume 1295, Page 36 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Henry F. Tillman, 75 feet to the principal place of beginning; thence Westerly and parallel with the Northerly line of Manor Avenue, S.E., 30 feet to the Easterly line of land conveyed to Mary J. Koma by deed dated November 5, 1925, and recorded in Volume 3330, Page 608 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Mary J. Koma, 65 feet to the Northerly line of said Sublot Nos. 17 and 18, thence Easterly 30 feet to the Northwesterly corner of land conveyed to Henry F. Tillman, thence Southerly 65 feet to the principal place of beginning, as appears by said plat, be the same more or less but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-38-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of the Westerly 30 feet of Sublot No. 17 in James W. Kingsbury Subdivision of part of Original One Hundred Acre Lot No. 432, as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records and being 30 feet front on the Northerly side of Manor Avenue, S.E., and extending back of equal width 76.50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to sidewalk ingress and egress recited in Volume 8015, Page 630 of Cuyahoga County Records filed February 10, 1954.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 850-05.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Manor Avenue to Kenneth Bender.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 126-39-029, as more fully described below, to Kenneth Bender.

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

P. P. No. 126-39-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in James W. Kingsbury's Subdivision of part of Original One Hundred Acre Lot No. 432, as shown by the recorded plat of said Subdivision in Volume 6 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 34 has a frontage of 50 feet on the Southerly side of Manor Avenue, S.E. and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 851-05.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Lindsey Dozanti and Daniel Dozanti.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 118-27-041, as more fully described below, to Lindsey Dozanti and Daniel Dozanti.

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

P. P. No. 118-27-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 11, 12 and 13 in the H.H. Stillson's Subdivision of part of Original One Hundred Acre Lot Nos. 336 and 339, as shown by the recorded plat in Volume 3 of Maps, Page 58 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 79th Street (50 feet wide) at a point distant Northerly measured along said Westerly line 160 feet from the Northerly line of Cedar Avenue S.E. (66 feet wide); thence Northerly along the Westerly line of East 79th Street 40.14 feet to the Northerly corner of said Sublot No. 11; thence Westerly along the Northerly lines of said Sublot Nos. 11, 12 and 13, 142.19 feet to the Northeastly corner of a parcel of land conveyed to the Taylor Machine Company by deed dated October 26, 1922 and recorded in Volume 2661, Page 321 of Cuyahoga County Records; thence Southerly along the Easterly line of said parcel so conveyed to the Taylor Machine Company to the Southeastly corner of said parcel so conveyed to the Taylor Machine Company, 23.77 feet; thence Southeastly along a line parallel with the Northerly line of Cedar Avenue S.E., 23.65 feet to a point at the Northeastly corner of a parcel of land as conveyed to Rowena M. Montgomery; thence Southerly, along the Easterly line of land so conveyed to Rowena M. Montgomery, 6.0 feet to a point therein; thence Easterly in a direct line to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

ests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 852-05.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Jeff Kirkman.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 128-16-010, as more fully described below, to Jeff Kirkman.

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

P. P. No. 128-16-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in the Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat or said Subdivision of Volume 56 of Maps, Page 4 of Cuyahoga County Records. Said Sublot No. 52 has a frontage of 35 feet on the Easterly side of East 93rd Street, and extends back 150-52/100 feet on the Northerly line, 150 43/100 feet on the Southerly line and is 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 853-05.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to enter into lease agreements with various non-profit agencies to provide facilities for recreation activities.

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 or amend contracts with various agencies to provide social service programs.

Section 2. That the Director of Public Safety is authorized to enter into or amend contracts with various non-profit and governmental agencies to provide school safety programs.

Section 3. That the Director of Community Relations is authorized to enter into or amend contracts with various non-profit agencies to provide youth at risk programs.

Section 4. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is authorized to enter into lease agreements with St. Joseph's Church of Collinwood and Greater New Calvary Baptist Church for a one year term in an amount not to exceed \$19,800.00 each to provide facilities for recreation activities.

Section 5. That the Director of Community Development is authorized to enter into Memoranda of

Understandings with the Directors of Public Safety, Community Relations, and Parks, Recreation and Properties for the purposes described in Sections 2, 3 and 4 above.

Section 6. That the aggregate cost of the contracts authorized by this ordinance must be in an amount not to exceed \$2,660,000.00 and will be paid from Fund No. 14 SF 031 and from any prior year CDBG social service program balance, Request No. 125794.

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

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

Ord. No. 854-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into a development agreement with Zaremba, Inc., or its designee, for the sale and redevelopment of City-owned urban renewal parcels located on East 12th and East 13th Streets; and authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to Zaremba, Inc., or its designee.

Whereas, the Director of Community Development has requested the sale of three City-owned urban renewal parcels no longer needed for public use and located on East 12th and East 13th Streets to Zaremba, Inc., or its designee, (the "Redeveloper"); and

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

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

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a development agreement with the Redeveloper, for the acquisition, disposition, and private redevelopment of the following City-owned Urban Renewal Parcels:

**Urban Renewal Parcel No. 9-B
Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots Nos. 65 and 84, part of Sublots Nos. 64, 66, 83 and 85 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178 to 181, both inclusive, and part of Two Acre Lots Nos. 182, 187, 188, 189 and 190, as shown by the recorded plat in Volume 1 of Maps, Page 29 of Cuyahoga County Records, part of Canfield Court N.E., 20 feet in width (now vacated) and part of St. Clair Avenue N.E., (now vacated) by Ordinance No. 914-79, passed by the Council of the City of Cleveland on May 21, 1979 and shown by the Vacation Plat recorded in Volume 225 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at its intersection

with the northeasterly line of East 12th Street, 140 feet in width, as shown by the Dedication Plat recorded in Volume 231 of Maps, Page 12 of Cuyahoga County Records;

Course No. 1: thence North 55°-41'-40" East along said southeasterly line of Hamilton Avenue N.E., 101.88 feet to the northwesterly corner of land conveyed to B. A. Carran by deed dated September 7, 1946 and recorded in Volume 6216, Page 16 and by deed recorded in Volume 12384, Page 0127 of Cuyahoga County Records;

Course No. 2: thence South 34°-02'-48" East along the southwesterly line of lands so conveyed to B. A. Carran, 99.90 feet to a point in the northwesterly line of Canfield Court, N.E., 20.00 feet in width;

Course No. 3: thence South 09°-08'-37" East, along the southwesterly line of Canfield Court N.E., 22.09 feet to the northwesterly corner of land conveyed to David E. Owen (one-half interest) by deed dated May 14, 1981 and recorded in Volume 15453, Page 315 of Cuyahoga County Records, and Abe Owen (one-half interest) by deed dated April 18, 1975 and recorded in Volume 13824, Page 175 of Cuyahoga County Records;

Course No. 4: thence South 33°-59'-17" East along the southwesterly line of land so conveyed to David E. Owen and Abe Owen, and along the southeasterly prolongation thereof, 159.54 feet to a point in the northwesterly line of relocated St. Clair Avenue N.E.;

Course No. 5: thence southwesterly along said northwesterly line Avenue N.E., being along the arc of a of relocated St. Clair curve deflecting to the right, 41.05 feet to a point of tangency said curved line having a radius of 460.50 feet and a chord which bears South 53°-15'-20" West a distance of 41.04 feet;

Course No. 6: thence South 55°-48'-42" West along the northwesterly line of St. Clair Avenue N.E., as now relocated, 51.71 feet to a point in the aforementioned northeasterly line of East 12th Street;

Course No. 7: thence North 33°-50'-17" West, along said northeasterly line of said East 12th Street, 281.08 feet to the place of beginning, containing 27,053 square feet of land (0.6211 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in June, 1987, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of Sublots Nos. 86, 87 and 88 and part of Sublot No. 85 in Levi Johnson's Allotment of all of Original Two Acre lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records and part of St. Clair Avenue N.E. (now vacated) by Ordinance No. 914-79, passed by the Council of the City of Cleveland on May 21, 1979 and shown by the Vacation Plat recorded in Volume 225 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Canfield Court N.E., 20 feet in width, at the northeasterly corner of said Sublot No. 88;

Course No. 1: thence South 34°-11'-18" East along the northeasterly line of said Sublot No. 88 and south-

easterly prolongation thereof, 120.72 feet to a point in the northwesterly curved line of St. Clair Avenue N.E., of various widths, as now established;

Course No. 2: thence westerly along said northwesterly line of St. Clair Avenue N.E., and along the arc of a circle deflecting to the left, 134.06 feet to a point of reverse curvature, said curved line having a radius 559.50 feet and a chord which bears South 46°-16'-32" West a distance of 133.74 feet;

Course No. 3: thence westerly along a northwesterly line of said St. Clair Avenue N.E., along the arc of a circle deflecting to the right, 90.77 feet to the southeasterly corner of land conveyed to Hamilton Joint Venture by deeds dated July 7, 1987 and recorded in Volume 87-4583, Pages 5 and 10 of Cuyahoga County Records, said curved line having a radius 460.50 feet and chord which bears South 45°-03'-27" West a distance of 90.62 feet;

Course No. 4: thence North 33°-59'-17" West along a northeasterly line of land so conveyed to Hamilton Joint Venture, 159.54 feet to a point in the aforementioned southeasterly line of Canfield Court N.E.;

Course No. 5: thence North 55°-44'-57" East along said southeasterly line of Canfield Court N.E., 220.36 feet to the place of beginning, containing 30,565 square feet of land (0.7017 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Southeasterly half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Sublot No. 89 in Levi Johnson's Allotment of all of Original Two Acre lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records and part of St. Clair Avenue N.E. (now vacated) by Ordinance No. 914-79, passed by the Council of the City of Cleveland on May 21, 1979 and shown by the Vacation Plat recorded in Volume 225 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the northwesterly line of St. Clair Avenue N.E., 99 feet in width, at its intersection with the southwesterly line of East 13th Street (formerly Canfield Street and East 14th Street, now named East 13th Street by Ordinance No. 2548 passed June 13, 1983 by the Council of the City of Cleveland) 63.33 feet in width;

Course No. 1: thence South 55°-48'-42" West along said northwesterly line of St. Clair Avenue N.E., 17.77 feet to a point of tangency;

Course No. 2: thence westerly along said northwesterly line of St. Clair Avenue N.E., and along the arc of a curve deflecting to the left, 26.09 feet to its intersection with a southerly prolongation of the southwesterly line of said Sublot No. 89, said curved line having a radius of 559.50 feet and chord which bears South 54°-28'-33" West a distance of 26.09 feet;

Course No. 3: thence North 34°-11'-18" West along said southerly prolongation and along the southwesterly line of said Sublot No. 89, 120.72 feet to a point in the southeasterly line of Canfield Court N.E., 20 feet in width;

Course No. 4: thence North 55°-44'-57" East along said southeasterly line of Canfield Court N.E., 43.69 feet to a point in the aforementioned southwesterly line of East 13th Street;

Course No. 5: thence South 34°-15'-39" East along said southwesterly line of East 13th Street, 120.16 feet to the place of beginning, containing 5,262 square feet of land (0.1208 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in September 1988, be the same more or less, but subject to all legal highways, and further known as 1331 St. Clair Avenue N.E., Cleveland, Ohio and bearing Cuyahoga County Auditor's Permanent Parcel No. 102-6-47.

Together with that portion of the Southeastern half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the part of Sublot No. 70 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume I of Maps, Page 29 of Cuyahoga County Records, forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at its intersection with the southwesterly line of East 13th Street (formerly Canfield Street and East 14th Street, now named East 13th Street by Ordinance No. 2548 passed June 13, 1983 by the Council of the City of Cleveland) 63.33 feet in width;

Course No. 1: thence South 34°-15'-39" East along said southwesterly line of East 13th Street, 100.13 feet to its intersection with the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 43.74 feet to the most southerly corner of said Sublot No. 70;

Course No. 3: thence North 34°-12'-57" West along the southwesterly line of said Sublot No. 70, 100.09 feet to the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 43.66 feet to the place of beginning, containing 4,375 square feet of land (0.1004 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 5

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

Ohio, and known as being all of Sublot No. 69 in Levi Johnson's Allotment of all of original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records, forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue, N.E., 40 feet in width, at the northeasterly corner of said Sublot No. 69;

Course No. 1: thence South 34°-12'-57" East along the most northeasterly line of said Sublot No. 69, 100.09 feet to the easterly corner thereof, being also in the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 49.99 feet to the most southerly corner of said Sublot No. 69;

Course No. 3: thence North 34°-11'-12" West along the southwesterly line of said Sublot No. 69, 100.05 feet to the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 49.94 feet to the place of beginning, containing 4,999 square feet of land (0.1148 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November, 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 6

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 68 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records, forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at the northeasterly corner of said Sublot No. 68;

Course No. 1: thence South 34°-11'-12" East along the northeasterly line of said Sublot No. 68, 100.05 feet to the southeasterly corner thereof, being also in the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 56.99 feet to the southwesterly corner of said Sublot No. 68;

Course No. 3: thence North 34°-09'-13" West along the southwesterly line of said Sublot No. 68, 99.99 feet to the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 56.93 feet to the place of beginning, containing 5,698 square feet of land (0.1308 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November, 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court

N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 7

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 22 feet of Sublot No. 67 in Levi Johnson's Allotment of a part of Original Two Acre Lots Nos. 178 and 182 and 187 to 190 in said City of Cleveland.

Said part of said Sublot No. 67 has a frontage of 22 feet on the Southernly side of Hamilton Avenue N.E. and extends back of equal width 100 feet deep, as per plat of said Allotment recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 8

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot Nos. 66 and 67 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lot Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at the point distant South 55°-41'-49" West as measured along said southeasterly line of Hamilton Avenue N.E., 22.00 feet from the northeasterly corner of said Sublot No. 67, said place of beginning being also the northwesterly corner of land conveyed to Hamilton Joint Venture by deed dated June 1, 1988 and recorded in Volume 88-2818, Page 48 of Cuyahoga County Records;

Course No. 1: thence South 34°-09'-13" East along the southwesterly line of land so conveyed to Hamilton Joint Venture parallel with the northeasterly line of said Sublot No. 67, 99.97 feet to a point in the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 81.97 feet to a southeasterly corner of land conveyed to Hamilton Joint Venture by deeds dated July 7, 1987 and recorded in Volume 87-4583, Pages 5 and 10 of Cuyahoga County Records;

Course No. 3: thence North 34°-02'-48" West along a northeasterly line of land so conveyed to Hamilton Joint Venture, 99.90 feet to a point in the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 81.78 feet to the place of beginning, containing 8,182 square feet of land (0.1878 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November, 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as

shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Urban Renewal Parcel No. 22-A-2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 175, 176 and 177 in the Nathan Perry Allotment as shown in Deed Book 35, Page 11 of Cuyahoga County Records and a part of Emerald Court, N.E. (18 and 28 feet wide) vacated by Ordinance Number 1816-77, passed by the Council of the City of Cleveland on August 1, 1977, and being further known as Parcel 22-A-2 in the Erievue Renewal Project II, and bounded and described as follows:

Beginning in the Southerly line of St. Clair Avenue, N.E. (99 feet wide) as dedicated by the recorded plat in Volume 188 of Maps, Page 7 of Cuyahoga County Records, at its intersection with the Easterly line of East 12th Street (140 feet wide), as proposed to be widened; thence South 33°-59'-17" East, along the Easterly line of said East 12th Street, as proposed to be widened, 275.65 feet to its intersection with the Northerly line of Rockwell Avenue, N.E. (60 feet wide); thence North 55°-39'-15" East, along the Northerly line of said Rockwell Avenue, N.E., 135.00 feet to a point; said point being at the Southwesterly corner of a parcel conveyed to St. Clair Place, L.T.D. by deed recorded in Volume 14636, page 79 of Cuyahoga County Records; thence North 33°-59'-17" West, along a Westerly line of land so conveyed to St. Clair Place, L.T.D., 221.14 feet to a point; said point being in a Northwesterly corner of said land conveyed to St. Clair Place, L.T.D.; thence North 47°-27'-28" East, along a Northwesterly line of land so conveyed to St. Clair Place, L.T.D., 75.84 feet to an inner corner therein; thence North 33°-59'-17" West, along a Westerly line of land so conveyed to St. Clair Place, L.T.D., 65.73 feet to the proposed Southerly line of St. Clair Avenue, N.E.; thence South 47°-27'-28" West, along said proposed Southerly line of St. Clair Avenue, N.E., 153.15 feet to its intersection with the Southerly line of St. Clair Avenue as dedicated in Volume 188 of Maps, Page 7 of Cuyahoga County Records; thence South 55°-27'-26" West, along said Southerly line of St. Clair Avenue, N.E., 58.55 feet to the place of beginning and containing 42,583 square feet (0.9776 Acres) of land, be the same more or less, but subject to all legal highways.

Urban Renewal Parcel No. 23-A-1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Original Ten Acre Lots Numbers 100 and 101 and Sublot Number 1 in the Henry Wick's Re-Allotment, of a part of Original Ten Acre Lot Number 102, as shown by the recorded plat in Volume 2 of Maps, Page 10 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Northwesterly line of Superior Avenue N.E. (132' wide), with the Northeasterly line of East 14th Street (66' wide); thence North 55°-42'-39" East, along said Northwesterly line of Superior Avenue N.E., 580.41' to the most Westerly corner of land conveyed to William H. Bassichis by deed dated November 21, 1972 and recorded in Volume 13158, Page 119 of Cuyahoga County Records; said point being also the

most Westerly corner of Sublot No. 2 in said Henry Wick's Re-Allotment; thence North 32°-19'-16" West, along the Southwesterly line of said Sublot No. 2, being also the Southwesterly line of land so conveyed to William M. Bassichis, 283.48' to the Southeasterly line of Rockwell Avenue N.E. (60' wide), which point is the most Westerly corner of Sublot Number 2 in said Henry Wick's Re-Allotment; thence South 55°-39'-15" West, along said Southerly line of Rockwell Avenue N.E., 478.63' to a point, 104.72' Easterly from its intersection with the Northwesterly line of said East 14th Street; thence South 34°-20'-38" East, 114.06' to a point; thence South 55°-39'-15" West, 107.57' to a point in said Northeasterly line of East 14th Street; thence South 32°-54'-45" East, along said Northeasterly line of East 14th Street, 168.71' to the place of beginning and containing 152,574 square feet (3.5026 acres) of land according to a survey dated Revised, February, 1980, by the City of Cleveland, Department of Public Service, Division of Engineering and Construction, Plats and Surveys, be the same more or less, but subject to all legal highways.

Section 2. That certain terms of the development agreement, File No. 854-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the properties described in Section 1 of this ordinance are no longer needed for public use.

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described properties to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 5. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted project-related identification signs.

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

Ord. No. 855-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$7,270,000.00, and shall be paid from Federal HOME Grant Fund Nos. 13 SF 895 and 13 SF 236 and Community Development Block Grant Fund No. 14 SF 027, 14 SF 028, 14 SF 029, 14 SF 030, and 14 SF 031, Request No. 149505.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and use the repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14. The revenues generated as a result of charging fees are appropriated for additional program and operating expenses for Housing Trust Fund activities.

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

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

Ord. No. 856-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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 or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Section 2. That the cost of the contracts must be in an amount not to exceed \$2,461,000.00, and will be paid from Fund No. 14 SF 031, Request No. 125792.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial and real estate development activities, and the program income is hereby appropriated for those purposes.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated from the revolving fund in Fund 14.

Section 5. That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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

Ord. No. 857-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contracts with CDBG-eligible agencies to implement the Cityworks Program.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contracts with various CDBG-eligible agencies to implement the Cityworks Program.

Section 2. That the aggregate cost of the contracts must be in an amount not to exceed \$200,000.00, and any prior years CDBG City-

works program balances, and will be paid from Fund No. 14 SF 031, Request No. 125793.

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

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

Ord. No. 858-05.
By Council Members Polensek, Gordon, Cimperman, and Jackson (by departmental request).
An emergency ordinance to appropriate property for the public purpose of the elimination of blight and prevention of its recurrence through planned, private redevelopment at various locations on St. Clair Avenue and East 162nd Street.

Whereas, the Council of the City of Cleveland, by Resolution No. 635-04, adopted July 14, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of the elimination of blight and prevention of its recurrence through planned, private redevelopment at various locations on St. Clair Avenue and East 162nd Street; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of the elimination of blight and prevention of its recurrence through planned, private redevelopment at various locations on St. Clair Avenue and East 162nd Street, the following described fee simple interests are appropriated:

705 East 162nd Street
 Permanent Parcel No. 116-14-096
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 139 in Crosby's Allotment of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 9 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 162nd Street, (formerly Penn Street), and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

15601-03 St. Clair Avenue, N.E.
 Permanent Parcel No. 115-24-048
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 28 and 29 in C. W. Moses and E.D. Burton's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat in Volume 9 of Maps, Page 33 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northwesterly line of St. Clair Avenue, N.E., at its intersection with the Easterly line of East 156th Street, (formerly Putnam Street);

Thence Northeasterly along the Northwesterly line of St. Clair Avenue, N.E., about 99 feet to the Southeastly corner of said Sublot No. 29;

Thence Northerly along the Easterly line of said Sublot No. 29, 171 feet 5 inches to the Northeastly corner thereof;

Thence Westerly along the Northwesterly line of said Sublots Nos. 28 and 29, 90 feet to the Easterly line of East 156th Street;

Thence Southerly along the Easterly line of East 156th Street, 214 feet 4 inches to the place of beginning, as appears by said plat.

Permanent Parcel Nos.
 115-28-001, 002, 003 and 004
 15710 St. Clair Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 76, 77, 78 and 79 in The R. R. and P. P. Company's Five Points Allotment of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 63 of Maps, Page 32 of Cuyahoga County Records, and together forming a parcel of land 180 feet front on the Southeastly side of St. Clair Avenue N.E., 143.73 feet deep on the Northeastly line, which is also the Southwestly line of Rondel Road, N.E., 140.33 feet deep on the Southwestly line which is also the Northeastly line of Royal Road N.E., and 179.86 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

707-711 East 162nd Street
 Permanent Parcel Nos. 116-14-095 and 094

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

And known as being Sublot Nos. 140 and 141 in the Crosby's Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 9 of Maps, Page 25, of Cuyahoga County Records, and together forming a parcel of land 82 feet front on the Easterly side of East 162nd Street, and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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

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

Ord. No. 859-05.
By Council Members Cimperman, Gordon, and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into contract with Wimbledon Investments, LLC to provide economic development assistance to partially finance exterior

leasehold improvements, including construction, renovation, and site improvements, and to assist with architectural and engineering fees for the property located at 2179 West 11th Street, and all other associated costs necessary for the improvements.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Wimbledon Investments, LLC, to provide economic development assistance to partially finance exterior leasehold improvements, including construction, renovation, and site improvements, and to assist with architectural and engineering fees for the property located at 2179 West 11th Street, and all other associated costs necessary for the improvements.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 859-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Fifty Thousand Dollars (\$50,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103646.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Ord. No. 860-05.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 59771 with MidTown Associates, LLC to extend the term of the lease for the property at 3634 Euclid Avenue, for the Empowerment Zone.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 59771 between the City of Cleveland and MidTown Associates, LLC to extend the term of the lease for the property located at 3634 Euclid Avenue, for the Empowerment Zone, for an additional six months.

All other terms and conditions contained in the original lease shall remain the same.

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

Section 3. That the costs of the amendment shall not exceed \$41,000 and shall be paid from Fund No. 18 SF 005, Request No. 123595.

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

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

Ord. No. 861-05.
By Council Members Polensek, Gordon, Cimperman, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cleveland-Cuyahoga County Port Authority, on behalf of Osborne Capital, Inc., to provide development assistance to partially finance the construction of a new Tops Market grocery store at 18501 Neff Road, and all other associated costs necessary to redevelop the property; and authorizing one or more agreements to implement the project.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, the project has been approved; and

Whereas, Council desires to authorize the development assistance to

the project which has been approved by the Department of Economic Development and the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with the Cleveland-Cuyahoga County Port Authority to provide development assistance in the form of loans and a grant to partially finance the construction of a new Tops Market grocery store located at 18501 Neff Road, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loans and the grant shall be according to the terms set forth in the Summary contained in File No. 861-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the loans shall not exceed an aggregate amount of Two Million Dollars (\$2,500,000), and the cost of the grant shall not exceed an amount of Three Hundred Seventy-Five Thousand Dollars (\$375,000). The loans and grant shall be paid from Fund Nos. 17 SF 008, 10 SF 541, and 10 SF 552, which funds are appropriated for this purpose, Request No. 103647.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loans. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 10 SF 006, 10 SF 542, and 10 SF 553.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loans. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Economic Development is authorized to enter into one or more agreements with various entities to effectuate the transactions authorized by this ordinance.

Section 8. That the contracts and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

Ord. No. 862-05.**By Council Members Brady, Gordon, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire various properties located in the vicinity between West 117th Street and West 121st Street near Interstate 90 for future redevelopment for the Department of Economic Development; authorizing the Commissioner of Purchases and Supplies to convey the property to Rysar Properties; and authorizing an Agreement between the City and the Redeveloper.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire the following properties for future redevelopment:

<u>Seller Name(s)</u>	<u>Parcel No.</u>	<u>House #</u>	<u>Street</u>
Cernan, Steven & Betty (3)	02119018		Elmwood
Cernan, Steven & Betty (3)	02119019	11808	Elmwood
Cernan, Steven & Betty (3)	02119020	11812	Elmwood
Bell, Frank & Mildred	02119021	11816	Elmwood
Wathey, James	02119022	11826	Elmwood
Kotalik, Kenneth R.	02119023	11836	Elmwood
Cernan, Jr. Steven (3)	02119024	11848	Elmwood
Dunn, Jerome	02119025	11900	Elmwood
King, Eugene T.	02119026	11904	Elmwood
Maynard, Kenneth J.	02119027	11908	Elmwood
Kirk, Margaret	02119028	11912	Elmwood
Cucci, Angelo	02119029	11916	Elmwood
Haputa, John M.	02119030	11941	Belmont
Zanders, William	02119031	11931	Belmont
Tirakis, Mike P.	02119032	11923	Belmont
Gerhart, Jenny S.	02119033	11913	Belmont
Hess, David	02119034	11903	Belmont
Pozniak, Mary	02119035	11855	Belmont
Woods, Terri L.	02119036	11845	Belmont
Bella, Jeffrey S. & Jennifer	02119037	11835	Belmont
Eckstein, John B. (1)	02119038	11827	Belmont
Rodriguez, James C.	02119040	11807	Belmont
Carnegie Management	02119041	11801	Belmont
McKinney, Michael	02119042	11739	Belmont
Dennison, Juanita A.	02119045	11740	Belmont
Fleischer, Scott A. & Louise	02119046	11800	Belmont
Patrick, David R.	2119047	11810	Belmont
Farkas, Kimberly Ann	02119048	11826	Belmont
Hale, Robert C. & Jeanette Torres	02119049	11830	Belmont
Thompson, Brian C. & Valerie	02119050	11840	Belmont
Patrick, David R.	02119051	11844	Belmont
Delzeith, David A.	02119052	11848	Belmont
Fleisher, Steven & Ann	02119053	11902	Belmont
CMHA - Vacant Land	02119054		Belmont
Hess, Andrea	02119055	11922	Belmont
Moon, Becky S.	02119056	11930	Belmont
Do, Yung	02119057	11940	Belmont
McGervey, Patrick J.	02119058	11939	Sector
Newsome, Mose & Mary R.	02119059	11933	Sector
Sawyer, Sharon E.	02119060	11923	Sector
Vasarab, Joseph	02119061	11913	Sector
Gozion, Arthur P.	02119062	11901	Sector
Allooh, Nordeene	02119063	11845	Sector
Machnik, Andres J. & Helen	02119064	11832	Sector (3)
Machnik, Andres J. & Helen	02119065	11839	Sector (3)
Ana, Petru	02119066	11825	Sector
Prokay, Steve	02119067	11815	Sector
Sidaway, Bruce A. & Joann	02119068	11809	Sector
Keener, Darrell Rd.	02119069	11801	Sector
Hajba, Alicia A.	02119070	11743	Sector
Sesztak, Christine E.	02119076	11816	Sector
Wakeman, Max C	02119077	11826	Sector
Machnik, Andrew J.	02119078	11832	Sector (3)
Hardy, Judith A.	02119079	11840	Sector
Coleman, Ruby	02119080	11846	Sector
Husik, John & Donna	02119081	11902	Sector
Masson, Kathleen R.	02119082	11914	Sector
Kozsey, Lawrence A.	02119083	11924	Sector
Baughan, James	02119084	11932	Sector

Brewer, Richard E.	02119085	11950	Sector
Brewer, Richard E.	02119086	11950	Sector
Hahner, Ruth & William	02119087	12004	Sector
Solfianos, George	02119088	12012	Sector
Ramey & Associates	02119089	12024	Sector
Metrik, Michael	02119090	12028	Sector
Maenza, Frank J. & Charlotte	02119091	12032	Sector
Perz, Thomas E.	02119092	12036	Sector
Barlock, William Thomas (1)	02119093	3077	W. 121
Evans, Donald R.	02119094	3081	W. 121
Eckstein, Cynthia L. (1)	02119096	3087	W. 121 (10)
Eckstein, Cynthia L. (1)	02119097	3091	W. 121 (10)
Eckstein, Cynthia L. (1)	02119098	Land	W. 121 (10)
Eckstein, Cynthia L. (1)	02119099	Land	W. 121 (10)
Eckstein, Cynthia L. (1)	02119100	Land	W. 121 (10)
Eckstein, Cynthia L. (1)	02119101	3105	W. 121 (10)
Gordon, Patricia	02119102	3111	W. 121
Keil, David H. Jr. & Monica	02119103	3115	W. 121
Rolfe, Patrick	02119104	3119	W. 121
Rowe, Jean	02119105	3123	W. 121
Gonzalez, Hector L.	02119106	3125	W. 121
Calvey, Eleanor	02119107	3127	W. 121
Rivera, Ismael	02119108	3131	W. 121
Slivka, Chirstine I.	02119109	3135	W. 121
Carroll, Kathleen L.	02119110	3126	W. 120
Stropko/Novak	02119111	3122	W. 120
Begovich, Martin J.	02119112	3118	W. 120
Laboy, Wilson & Abigail	02119113	3114	W. 120
Roddy, Michael J.	02119114	3110	W. 120
Zywczyk, Clare	02119115	3106	W. 120
Riggleman, Janice	02119116	3102	W. 120
Giordono, Joseph C.	02119117	3098	W. 120
Helgert, Tracy Rd.	02119118	3092	W. 120
Massey, Bruce J. & Lilly M.	02119119	3088	W. 120
Eckstein, Cynthia L. (1)	02119120	3084	W. 120 (10)
Eckstein, Cynthia L. (1)	02119121	3080	W. 120 (10)
Triplett/Adbu Nasser	02119122	3076	W. 120
Migielicz, Olgas M. & Michael	02119123	11950	Sector
Sanderson, Daniel E. & Martha	02119124	12003	Sector
Frederick/O'Malley	02120054	11917	Elmwood
Eash, Dorothy E.	02120055	11913	Elmwood
Wojtkiewicz, Joseph S.	02120056	11909	Elmwood
Basinger, Andrew	02120057	11905	Elmwood
Ely, James & Patricia Thuransky	02120058	11901	Elmwood
Barnes, Richard	02120059	11846	Elmwood
Barnes, Richard	02120102	Vacant	Elmwood

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That the consideration to be paid for this properties shall be borne entirely by the Redeveloper and shall be at no cost to the City.

Section 4. That this Council finds that the conveyances to the Redeveloper constitutes a public use of the properties for the purposes of redevelopment.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the properties previously described in this ordinance to Rysar Properties, for a price of one dollar and other valuable considerations determined as fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 6. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 7. That the Director of Economic Development is authorized to enter into an Agreement with the Redeveloper which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Ord. No. 863-05.
By Council Members Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of City Planning to enter into one or more contracts with Cleveland Public Art for professional services necessary to administer the City's public art 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 City Planning is authorized to enter into one or more contracts with Cleveland Public Art for professional services necessary to administer the City's Public Art Program, in the total sum of \$35,000, for the Department of City Planning. The contracts or contracts shall be paid from Fund No. 01-999800-63800, Request No. 112364.

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

Ord. No. 864-05.

By Council Member Polensek.

An emergency ordinance to amend Sections 605.14, 605.141, 605.142 and 621.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2031-96, passed June 16, 1997, Ordinance No. 1831-95 passed June 10, 1996 and Ordinance No. 1713-96 passed September 16, 1996, relating to increased penalties on parents imposed for certain duties imposed with respect to minor's curfew, children of compulsory school age to be in attendance at school, children suspended or expelled from school and assault by a minor.

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

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

Section 1. That Sections 605.14, 605.141, 605.142 and 621.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2031-96, passed June 16, 1997, Ordinance No. 1831-95 passed June 10, 1996 and Ordinance No. 1713-96 passed September 16, 1996 are hereby amended to read, respectively, as follows:

Section 605.14 Minor's Curfew

(a) No child twelve years of age or under shall be upon the streets or sidewalks or in a park or any other public place during the period from darkness to dawn, nor shall any child between the ages of thirteen and sixteen, inclusive, be upon the streets or sidewalks or in any park or other public place between the hours of 11:00 p.m. and 5:00 a.m., nor shall any child seventeen years of age be upon the streets or sidewalks between the hours of mid-

night and 5:00 a.m., unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child seventeen years of age or under shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child, a misdemeanor of the fourth degree for a first offense and may be required to perform supervised community service work pursuant to division (H) of RC 2951.02 in the ward in which the child was arrested or detained, the value of such service work not to exceed One Hundred Dollars (\$100.00). In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the third degree

Section 605.141 Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed

(a) No child between the ages of six and seventeen, inclusive, other than a child that has been suspended or expelled from school, shall be at any place within the City except in attendance at school between the hours of 10:00 a.m. and 2:30 p.m. during any school day, unless the child has written proof from school authorities excusing him or her from attending school at that particular time, or unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to divisions (a) and (b) of this section that the child, at the time he or she was found at a place other than in school, was not required by law to be in attendance at school.

(d) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's res-

idence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child of compulsory school age, a misdemeanor of the fourth degree for a first offense. In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the third degree.

Section 605.142 Children Suspended or Expelled from School to Remain Under Supervision; Parental Duties Imposed

(a) If a child is suspended or expelled from school, then each parent or legal guardian of the child shall have the following duties for the duration of the suspension or expulsion:

(1) The duty to personally supervise the child, or to arrange for a responsible adult to supervise the child, at the times that the child would have been required to be in attendance at school had he or she not been suspended or expelled; and

(2) The duty to prohibit the child from being at any public place at the times that the child would have been required to be in attendance at school had he or she not been suspended or expelled, except in the following circumstances:

A. When the child is accompanied by the parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child; or

B. When the child is employed pursuant to an age and schooling certificate issued by the school authorities, during the times that the child is actually on the job or traveling directly to or from the job site; or

C. When the child is on an emergency errand; or

D. When the child has been directed by the parent or legal guardian to engage in a specific activity or to carry out express instructions, during the times that the child is actually engaged in fulfilling those directions or instructions.

No person shall negligently fail to fulfill the duties imposed by this division.

(b) No child that has been suspended or expelled from school shall fail to comply with supervision provided or arranged by a parent or legal guardian pursuant to division (a)(1) of this section.

(c) No child that has been suspended or expelled from school shall be in any public place at the times that he or she would have been required to be in attendance at school had he or she not been sus-

pendent or expelled, except in the circumstances described in divisions (a)(2)A, (a)(2)B, (a)(2)C or (a)(2)D.

(d) As used in this section, "public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's residence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child that violates divisions (b) or (c) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person that negligently fails to fulfill the duty imposed by division (a) of this section is guilty of negligently failing to supervise a suspended or expelled child, a **misdemeanor of the second degree** for a first offense. In addition to any other means of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in accordance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating **division (a)** of this section is guilty of a misdemeanor of the **first degree**.

Section 621.031 Assault by a Minor; Parental Duty Imposed

(a) No child between the ages of six and seventeen, inclusive, shall knowingly cause or attempt to cause physical harm to an official or employee of the Cleveland City School District or City of Cleveland while performing his or her official duties.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian:

(1) Initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section; or

(2) Can demonstrate based upon the records of the Cleveland City School District that they have been actively working with officials of the Cleveland City School District regarding the behavior of the child prior to the time that the child was found violating division (a) of this section.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any school official or employee who has knowledge that a child between the ages of six and seventeen, inclusive, has caused or

attempted to cause physical harm to an official or employee of the Cleveland City School District or City of Cleveland while performing his or her official duties shall immediately notify the Chief of Police or his designee and request the assistance of the Division of Police. This division (e) shall not apply to any school official or employee who has personal knowledge that the notification required by this division (e) has already been given with respect to a particular assault. The notification required by this division (e) shall be separate from and in addition to any notification regarding prohibited weapons required to be given pursuant to Section 627.082.

(f) Any person who violates division (b) or division (e) of this section is guilty of a **misdemeanor of the first degree**. In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Section 2. That existing Sections 605.14, 605.141, 605.142 and 621.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2031-96, passed June 16, 1997, Ordinance No. 1831-95 passed June 10, 1996 and Ordinance No. 1713-96 passed September 16, 1996 are hereby repealed.

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

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

Ord. No. 865-05.

By Council Member Cintron.

An emergency ordinance repealing Resolution No. 787-05, adopted April 25, 2005, relating to the employment of Rick Nagin.

Whereas, Resolution No. 787-05, adopted April 25, 2005, terminated the employment of Rick Nagin; 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 Resolution No. 787-05, adopted April 25, 2005, is repealed.

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 Director of Finance, Committee on Finance.

Ord. No. 866-05.

By Council Member Cimperman.

An emergency ordinance to designate West 3rd Street from Superior Avenue to Lakeside Avenue as "Sheriff Gerald T. McFaul Road" as a secondary and honorary designation.

Whereas, Gerald T. McFaul has served as the Sheriff and Chief Law Enforcement Officer of Cuyahoga County for over twenty-eight years; and

Whereas, during this service, Sheriff McFaul has successfully responded to challenges in both the local and state criminal justice system; and

Whereas, Sheriff McFaul manages the largest law enforcement agency in Ohio; and

Whereas, in more than two decades of service, Sheriff McFaul supervised the successful investigation of thousands of felony cases and is responsible for more than eight million "inmate days" of secure confinement in the county jail; and

Whereas, prior to his election as Sheriff in 1976, Gerald T. McFaul served for nine years as a Cleveland City Council Member and served as the Majority Leader of Council; and

Whereas, Sheriff McFaul is a member of numerous fraternal, labor, and civic organizations; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, West 3rd Street from Superior Avenue to Lakeside Avenue shall also be known as "Sheriff Gerald T. McFaul Road" as a secondary and honorary designation.

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

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

Ord. No. 867-05.

By Council Member Conwell.

An emergency ordinance to designate East 123rd Street from Durant Avenue to Superior Avenue as "O'Jays Lane" as a secondary and honorary designation.

Whereas, in the late 1950's, Eddie Levert, Walter Williams, William Powell, Bobby Massey and Bill Isles formed a quintet called the Triumphs of McKinley High School in Canton, Ohio; and

Whereas, this group became known as the Mascots and was later renamed the O'Jays after legendary radio D.J., Eddie O'Jay; and

Whereas, in 1963, the O'Jays signed a contract with Imperial Records and the band quickly achieved their first hit, Lonely Drifter; and

Whereas, after a string of hit singles, the O'Jays debut album Comin' Through was released in 1965; and

Whereas, the group released one more album, Soul Sounds, before they met songwriters and producers, Kenny Gamble and Leon Huff, in 1967; and

Whereas, the group started recording on Gamble and Huff's Neptune label as a quartet after the departure of Bill Isles in 1967; and

Whereas, Bobby Massey left the group in 1972 and the trio united with Gamble and Huff on Philadelphia International Records label to record some of the best R&B pop hits ever; and

Whereas, during this time, the O'Jays became known as one of the best bands in the world; and

Whereas, the 1970's was truly the decade of the O'Jays; and

Whereas, from 1972 through 1978, the O'Jays recorded eight No. 1 R&B singles; and

Whereas, during this period the band also had five albums that went gold and three that went platinum; and

Whereas, during this period of successes, the O'Jays also faced one of their darkest moments as William Powell, a founding member of the band, was forced to leave the band because of terminal cancer; and

Whereas, Sammy Strain became William Powell's replacement; and

Whereas, the O'Jays were able to overcome the loss of one of their founding members to cancers and continued to release hits through the 1980's and 1990's; and

Whereas, today, the band continues to perform and bring joy to old and new fans; and

Whereas, this Council takes great pride in recognizing the O'Jays for their outstanding accomplishments and achievements during the course of their illustrious career which encompasses more than 40 years; and

Whereas, this Council congratulates the O'Jays on their induction into the Rock and Roll Hall of Fame; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, East 123rd Street from Durant Avenue to Superior Avenue shall also be known as "O'Jays Lane" as a secondary and honorary designation.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 176-A-05. (As a substitute for Ord. No. 176-05)

By Mayor Campbell,

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 413.031 relating to the use of automated cameras to impose civil penalties upon red light and speeding violators; and authorizing the Director of Public Safety to enter into one or more contracts with a consultant or consultants to install and maintain automated cameras.

Whereas, under Article 18, Sec. 3 of the Ohio Constitution, the City of Cleveland has all powers of local self-government; and

Whereas, the City of Cleveland exercises its powers of local self-government through its charter; and

Whereas, a fundamental purpose of local self-government is the protection of the health, safety, and welfare of the citizenry; and

Whereas, red light crashing and speeding cause needless serious injuries and death; and

Whereas, the incidence of red light running and speeding will be reduced through this program; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 413.031 to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil enforcement system established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (m). This civil enforcement system imposes monetary liability on the owner of a vehicle for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red light offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(c) *Speeding offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability does not constitute a conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other offenses and penalties not abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of camera sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restric-

tions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Site selection.* Each site of a red light camera or fixed speed camera shall be selected by ordinance of Council properly published in the City Record amending this section to include the sites.

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty days before any given camera is made fully-operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two weeks, which may run concurrently with the 30-day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Service shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by Section 4507.021 of the Revised Code ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket evaluation, public service, and appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the Ticket, other evidence submitted by the respondent or the City of Cleveland,

and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

1) The motorist stops in time to avoid violating a red light indication;

2) The motorist proceeds through a red light indication as part of funeral procession;

3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;

4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report;

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Revised Code.

(l) *Evidence of ownership.* It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program oversight.* The Director of Public Safety shall oversee the program authorized by this Section. The selection of the locations of automated cameras shall be made by ordinance of Council as specified in division (g), upon nomination of the Director of Public Safety, in consultation with the appropriate council members, the Director of Public Service, the Police Traffic Commissioner, and the Commissioner of Traffic Engineering. The Director of Public Service shall oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

(n) *Rules and Regulations.* The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the **City Record**.

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

<i>413.031(b)</i>	
All violations	\$100.00
<i>413.031(c)</i>	
Up to 24 mph over the speed limit	\$100.00
25 mph or more over the speed limit	\$200.00
Any violation of a school or construction zone speed limit	\$200.00

Late penalties
For both offenses, if the penalty is not paid within 20 days from the date of mailing of the ticket to the offender, an additional \$20.00 shall be imposed, and if not paid with 40 days from that date, another \$40.00 shall be imposed, for a total additional penalty in such a case of \$60.00.

(p) *Definitions.* As used in this section:

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "System location" is the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(3) "Vehicle owner" is the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with a term not to exceed five years with a consultant or consultants to install and maintain automated cameras to photograph red light and speeding violators, to send notices, and assist the Director in the implementation of this program. The Board of Control shall select the consultant or consultants and fix the compensation for services from a list of qualified vendors identified through canvass.

The contract must in all respects conform to the requirements of this ordinance. The Director of Law shall include in each contract strong provisions for cancellation in the event of default. The compensation paid to any consultant shall be on a flat fee basis and in no event shall the fee be contingent upon the number of tickets actually issued or paid.

Each contract shall provide that the consultant shall receive no payment for its services until the numbers of cameras under the 90-day plan, as described in File No. 176-A-05-A, are fully-operational and the City has received funds from paid tickets that are equal to or greater than the fees owed to the consultant under the contract.

Section 3. That any fees collected from the tickets shall be deposited in the appropriate agency fund. Any fees, including those for the consultants and the Clerk of the Cleveland Municipal Court, shall be paid out of this fund. All remaining balances in the fund shall be paid to the general fund.

Section 4. That an amount fixed by the Board of Control, which amount shall not exceed \$10.00 per paid ticket, shall be paid to the office of the Clerk of the Cleveland Municipal Court and the Parking Violations Bureau for the costs incurred by them to conduct this program.

Section 5. That the Cleveland Municipal Court or the Clerk of the Cleveland Municipal Court, through their own resources or through contract with an outside vendor, may pursue the collection of any tickets that remain unpaid after the requisite notices have been sent to the liable party and all other pre-collection obligations of the consultant or consultants employed under the authority of Section 2 are completed. The \$40.00 late penalty established by division (o) of Section 413.031 if the penalty is not paid with 40 days from the date of mailing the ticket to the offender shall be paid to the vendor employed by the Cleveland Municipal Court or its Clerk for the collection of unpaid tickets.

Section 6. That unless authorized by further legislative action, the number of red light and speed cameras shall not exceed the following:
30 fixed red light cameras
6 fixed speed on green cameras
6 mobile speed units
6 fixed speed cameras

Section 7. That the request for proposals, the contract(s) when fully-executed, and any memoranda that describe the reasons for selection of the vendor(s) shall be made part of the legislative record of this ordinance and placed in the file described above.

Section 8. That the Directors of Public Safety and Public Service shall report to the Public Safety and Public Service Committees of Council on January 1 and July 1 of each year of this program, commencing in 2006. Each report shall describe the impact of the automated camera enforcement program on public safety and shall include a summary of the number of tickets issued, the number paid and that remain unpaid, and the number that were appealed and the results of those appeals.

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

Without objection, substitute ordinance agreed to. Ordinance No. 176-05 Laid on the Table.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 16. Nays 5.

Those voting yea: Council Members Jackson, Britt, Cintron, Coats, Dolan, Johnson, Jones, Kelley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White, Zone.

Those voting Nay: Council Members Brady, Cimperman, Conwell, Gordon, and Lewis.

Ord. No. 868-05.**By Council Member White.**

An emergency ordinance amending the Title and Section 1 of Ordinance No. 1105-04 passed June 7, 2004 as it pertains to the building acquisition by the Garland Real Properties, Inc. for the purpose of using this site as a training center through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1105-04 passed June 7, 2004 are hereby amended to read as follows

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with **Garland Real Properties, Inc.** for the acquisition of a building to use as a training center through the use of Ward 2 Neighborhood Equity Funds.

Section 1. That the Director of Economic Development is authorized to enter into an agreement with **Garland Real Properties, Inc.** for the acquisition of a building for the public purpose of using it as a new training center for company employees in order to retain and create jobs in Cleveland through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1105-04 passed June 7, 2004 are hereby repealed.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 869-05.**By Council Member White.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Dove Park Panthers Youth Association for a Youth Football Recreation Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Dove Park Panthers Youth Association for a Youth Football Recreation Program for the public purpose of providing organized youth recreational activities for Cleveland youth through the use of Ward 2 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 870-05.**By Council Member White.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Umoja and Kuumba Youth Association for a Youth Football Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Umoja and Kuumba Youth Association for a Youth Football Program for the public purpose of providing organized recreational sporting activities for Cleveland youth through the use of Ward 2 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 871-05.**By Council Members Polensek and White.**

An emergency resolution condemning the recent incidents of violence and assault by school-age children and youth at the city's public schools and urging the Campbell

administration and the municipal school district to enforce all laws that apply to this conduct, including those that hold parents responsible for their children's actions.

Whereas, there have been far too many reports recently of violence, assaults and rioting in schools in the Cleveland Public School system; and

Whereas, these incidents on school grounds have made increased demands on school security and the police department; and

Whereas, too many of these incidents go unreported, or, if reported, the perpetrators go unpunished because of the failure to enforce the laws currently available to help bring such perpetrators to justice; and

Whereas, several of the current laws hold parents accountable for failure to supervise their children; 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 condemns the recent incidents of violence and assault by school-age children and youth at the city's public schools and urges the Campbell administration and the municipal school district to enforce all laws that apply to this conduct, including those that hold parents responsible for their children's actions.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution Barbara Byrd Bennet, CEO of the Cleveland Municipal School District.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 872-05.**By Council Member Britt.**

An emergency resolution objecting to a New C1 Liquor Permit at 2623 Woodhill Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at AJS Enterprises, Inc., D.B.A. Hill Top Deli, 2623 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 0084375; 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 AJS Enterprises, Inc., D.B.A. Hill Top Deli, 2623 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 0084375; 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Council Member Cintron left the meeting.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2054-04.

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

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 55208 with Fins & Feathers Seafood & Poultry Market d/b/a English Concessions for the rental of various City-owned properties at Cleveland Hopkins International Airport for providing valet services in the form of a shoe shine concession, for an additional period of five years.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Aviation and Transportation, Finance; when amended as follows:

1. In the title, at the end, strike the period and insert ", with one five-year option to renew."

2. In Section 1, line 7, strike "2054-04-A" and insert "2054-04-B".

3. In Section 2, line 2, strike the period after "amendment" and insert "with one option exercisable by the Director of Port Control to renew for an additional five-year period. The Director of Port Control shall notify City Council upon the exercise of this option."

4. Strike Section 3 in its entirety and insert:

"Section 3. That English Concessions shall pay to the City as rent for the Premises defined in the above file, the amount of \$1,800.00 per month or the aggregate of ten percent (10%) of gross revenues for nonmerchandise sales and fifteen percent (15%) of gross revenues of merchandise sales, whichever is greater. The gross revenue calculation shall be computed monthly and shall be based upon the aggregate amount of gross revenues from all shoe shine locations authorized under this lease."

5. Insert new Section 4 to read as follows:

"Section 5. That the amendment may authorize the City to allow English Concessions to make improvements to the leased premises under terms to be determined by the parties."

6. Renumber existing Sections 4 and 5 to new "Section 5" and "Section 6".

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

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

Ord. No. 273-05.

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

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

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 274-05.

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

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

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 359-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design improvements and renovations to the terminal building at Cleveland Hopkins International Airport; determining the method of making the public improvement of constructing the improvements and renovations; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies necessary for the improvement, for the Department of Port Control.

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

1. In Section 4, line 3, strike "for a two-year period" and insert "for a period of one or two years"; and at the end, add "The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

Amendment agreed to.

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

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

Ord. No. 464-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to enter into all requisite agreements and other instruments to sell certain City-owned properties not needed for public use located at Cleveland Hopkins International Airport to the City of Brook Park; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to J.P. Morgan Trust Company, National Association as successor bond trustee; and authorizing the Director of Port Control to apply to the Bond Trustee for release of these properties.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 554-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and

materials needed to maintain, repair, and replace existing roofing systems, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.

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

1. In the title, strike line 7 in its entirety and insert "**Control**".

2. In Section 1, line 3, strike "two year" and insert "**one or two year**"; at the end of the section, after "term," insert "**The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.**".

Amendments agreed to.

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

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

Ord. No. 632-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to analyze the City's current procurement process, perform a feasibility study, and recommend solutions to City's procurement requirements.

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

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

Ord. No. 633-05.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 634-05.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 635-05.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 636-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hand tools and hand-held power tools, for the various divisions of City government.

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

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

Ord. No. 637-05.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 638-05.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 639-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refill, repair and replace fire extinguishers, for the various divisions of City government.

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

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

Ord. No. 640-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of miscellaneous-sized steel plates, for the various divisions of City government.

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

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

Ord. No. 641-05.

By Council Member Jackson.

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

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

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

Ord. No. 696-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install an ergonomic paper cutting and handling system, including removal of the old system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Ord. No. 697-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Betty Montgomery, Ohio State Auditor, for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2005 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation.

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

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

Ord. No. 698-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair heating, ventilation, and air conditioning systems, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 706-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

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

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

Ord. No. 707-05.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards. Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 708-05.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development. Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 710-05.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program; and authorizing the Director of Aging or Community Development, as appropriate, to enter into one or more contracts with various agencies to implement these programs. Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 712-05.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Board of Commissioners of Cuyahoga County to reimburse the County for a portion of the cost of the acquisition of the homeless shelter located at 2100 Lakeside Avenue. Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 760-05.

By Council Members Westbrook and Jackson (by departmental request). An emergency ordinance to amend Section 2 of Ordinance No. 1124-01, passed July 18, 2001, relating to a requirement contract of deicing services, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance. The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

MOTION

The Council Meeting adjourned at 8:20 p.m. to meet on Monday, May 9, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 27, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 27, 2005, at 10:30 a.m. with Mayor Campbell presiding. Present: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams. Absent: Director Taylor. Others: Jim Hardy, Commissioner, Purchases and Supplies. Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 194-05.

By Director Baker. Whereas, under the authority of Ordinance No. 832-04 passed by the Council of the City of Cleveland on May 17, 2004, and Board of Control Resolution No. 375-04, adopted June 16, 2004, authorized the City through the Director of Finance, entered into City Contract No. 63148, with FirstEnergy Solutions Corporation

for the purchase of the City's requirements for natural gas, for a total estimated amount of \$2,349,962.90 for the various divisions of City government, Department of Finance; and

Whereas, by their joint letter dated March 17, 2005, FirstEnergy Solution Corporation and Amerada Hess Corporation notified the City that Amerada Hess was purchasing FirstEnergy Solutions' retail natural gas business, and requested the City's consent to assignment of City Contract No. 63148 to Amerada Hess, effective April 1, 2005; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that this Board acknowledges Amerada Hess Corporation's purchase of FirstEnergy Solutions' retail natural gas business and authorizes the Director of Finance to consent on behalf of the City, to request of FirstEnergy Solutions Corporation to assign City Contract No. 63148 for the purchase of the City's requirements for natural gas, to Amerada Hess Corporation, effective April 1, 2005.

Be it further resolved, that the Director of Finance is authorized to execute all documents and do all things necessary to implement the consent to assignment of Contract No. 63148 authorized above. A copy of the consent of assignment and the assignment of Contract No. 63148 shall be filed with the original of Contract No. 63148 in the office of the Commissioner of Accounts.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None. Absent: Director Taylor.

Resolution No. 195-05.

By Director Ciaccia. Be it resolved by the Board of Control of the City of Cleveland that the bid of Wesco Distribution Inc. for an estimated quantity of cross-arms, item nos. 40 thru 44, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on June 12, 2003, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Forty One Thousand Sixty Nine and 50/100 Dollars (\$41,069.50) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 129889 which shall be certified against the contract in the sum of Thirty Four Thousand and no/100 Dollars (\$34,000.00). Said requirement contract shall further provide that the Contactor will furnish the remainder of the requirement for the commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 196-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Professional Electric Products Company, for an estimated quantity of crossarms, item nos. 35 thru 39 (conditional bid of 48,000 lbs. minimum release), except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on March 10, 2005, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to One Hundred Ten Thousand Six Hundred Seventy Eight and no/100 Dollars (\$110,678.00) (1%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153628

which shall be certified against the contract in the sum of Thirty Nine Thousand Five Hundred Ninety Two and 50/100 Dollars (\$39,592.50).

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 197-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hach Company for an estimated quantity of laboratory equipment, testing and analytical services: biological and chemical testing supplies, apparatus and appurtenances (item 1) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 11th day of March, 2005 under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Thousand Dollars (\$100,000.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159363

which shall be certified against such contract in the sum of Forty Thousand Dollars (\$40,000.00).

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 198-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Henry Pratt Company, except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of labor and materials to maintain and repair various types of valves, actuators and appurtenances (items 3, 4A, and 4C), for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 15th day of October, 2004, under the authority of Ordinance No. 587-02, passed June 10, 2002, which on the basis of the estimated quantity would amount to Three Hundred Five Thousand Sixty Dollars (\$305,060.00), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 149006

which shall be certified against such contract in the sum of Forty-Five Thousand Dollars (\$45,000.00).

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 199-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Northcoast Process Controls, Inc., except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of labor and materials to maintain and repair various types of valves, actuators and appurtenances (items 1 and 9), for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 15th day of October, 2004, under the authority of Ordinance No. 587-02, passed June 10, 2002, which on the basis of the estimated quantity would amount to Forty-Nine Thousand Seven Hundred Fifty Dollars,

(\$49,750.00) (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 149005

which shall be certified against the contract in the sum of Fifteen Thousand and no/100 Dollars (\$15,000.00).

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 200-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on February 25, 2005, for the repair of various air tools & testing (re-bid), for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Ordinance No. 1740-01, passed by the Council of the City of Cleveland on December 3, 2001, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 201-05.

By Director Ricchiuto.

Whereas, by Resolution Nos. 123-05 and 124-05, both adopted March 23, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, this Board of Control approved Valley Ford Truck Sales, Inc. and Mavron, Inc. as the lowest and best bidders respectively for sport utility vehicles (SUV), 4X4, and an animal transport van interior, and

Whereas, Resolution Nos. 123-05 and 124-05 incorrectly authorized the Director of Finance as the contracting director, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution Nos. 123-05 and 124-05, both adopted March 23, 2005, affirming and approving Valley Ford Truck Sales, Inc. and Mavron, Inc., as the lowest and best bidders respectively for sport utility vehicles (SUV), 4X4, and an animal transport van interior for various divisions of City government, are amended by changing the director authorized to enter into contract to the Director of Public Service.

Be it further resolved that all other provisions of Resolution Nos. 123-03 and 124-05 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Director Taylor.

Resolution No. 202-05.

By Director Ricchiuto.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction Company, Inc., for the public improvement of the building improvements for the Collinwood Community Center, base bid and alternates 2 and 3, for the Department of Public Service, received on March 9, 2005, under the authority of Ordinance No. 2142-03, passed February, 9, 2004, for a gross price for the improvement in the aggregate amount of Eight Hundred Thousand Three Hundred and no/100 Dollars (\$800,300.00), is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction Company, Inc. is approved:

<u>Subcontractor</u> <u>MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Post Painting FBE	\$ 16,400 2.05%
HMH Restoration Ltd. FBE	\$ 33,000 4.12%
Pearlock Mechanical MBE	\$ 15,000 1.87%
Coleman Spohn MBE	\$ 58,000 7.25%
Northern Interiors	\$ 40,000 5.00%
Warren Roofing	\$ 57,000 7.12%
E.R. Flynn	\$ 43,000 5.37%
Corporate Floors	\$ 16,000 2.00%
Unimech	\$135,000 16.87%
Hagner Electric	\$ 58,000 7.25%

Yeas: None.
Nays: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.
Absent: Director Taylor.

Resolution No. 203-05.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting Ltd. for the public improvement of McGowan Park Site Improvements, for Base Bid Items #B1 - #B14 including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on March 9, 2005, pursuant to the authority of Ordinance No. 1114-02 and Ordinance No. 2151-03, passed on June 17, 2002 and December 15, 2003, upon a unit basis for the improvement in the aggregate amount of Twenty Five Thousand Eight Hundred Ninety One and 42/100 Dollars (\$25,891.42), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by F. Buddie Contracting Ltd. for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
K & L Sealers	\$ 7,187.50 27.76%
Able Contracting (FBE)	\$ 6,697.00 25.87%

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 204-05.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. J. Platten Contracting Co. for the public improvement of Mohican Park Site Improvements, for Base Bid Items #C1 - #C25, Add Alternate Items #AA18C - #AA28C, #AA47C and #AA48C including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on March 9, 2005, pursuant to the authority of Ordinance No. 1114-02 and Ordinance No. 2151-03, passed on June 17, 2002 and December 15, 2003, upon a unit basis for the improvement in the aggregate amount of One Hundred Forty Thousand Eight Hundred Eighty Three and 49/100 Dollars (\$140,883.49), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. J. Platten Contracting Co. for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Carrick Landscaping	\$24,000.00 17.03%
Lito Trucking	\$13,680.00 9.71%
K & L Sealers	\$11,000.00 7.81%
Tech Ready Mix (MBE)	\$ 5,100.00 3.62%
Premier Asphalt	\$ 2,800.00 1.99%

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 205-05.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company for the public improvement of Maplewood Park Site Improvements, for Base Bid Items #A1 - #A33 and Add Alternate Items #AA1A - #AA6A including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on March 9, 2005, pursuant to the authority of Ordinance No. 1114-02 and Ordinance No. 2151-03, passed on June 17, 2002 and December 15, 2003, upon a unit basis for the improvement in the aggregate amount of One Hundred Sixty Thousand Eighteen and 69/100 Dollars (\$160,018.69), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. DiLillo & Company for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Childsafe	\$19,362.00 12.10%
Cook Paving (MBE)	\$ 6,930.00 4.33%
Tech Ready Mix	\$ 4,000.00 2.50%
Carrick Landscaping	\$ 3,000.00 1.87%
Barrow Sign (FBE)	\$ 2,000.00 1.25%

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 206-05.

By Director Rush.

Whereas, pursuant to the authority of Ordinance No. 473-05, passed April 18, 2005, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property, for the public purpose of future redevelopment of the property located at 9216 Miles Park Avenue, also known as Permanent Parcel Number 134-08-012 and 9830 Denison Avenue, also known as Permanent Parcel Number 017-01-049, to Emerald Development and Economic Network, Inc.; and

Whereas, said Ordinance No. 473-05 provided that the consideration to be paid for the property shall not exceed One Dollar (\$1.00) and other valuable considerations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 473-05, passed by the Council of the City of Cleveland on April 18, 2005, upon the City's acquisition of title to the parcels, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 9216 Miles Park Avenue, also known as Permanent Parcel Number 134-08-012, and 9830 Denison Avenue, also known as Permanent Parcel Number 017-01-049, to Emerald Development and Economic Network, Inc.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 207-05.

By Director Fumich.

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

Be it further resolved that the Director of Aging is requested to enter into a written contract with Iris Figueroa McGinnis, which contract shall be prepared by the Director of Law, shall provide for furnishing the professional services described above, for a fee not exceeding \$25,100, on the basis of the grant agreement dated May 11, 2004,

with Cuyahoga County for the Community Navigator Services Program, and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 208-05.

By Director Fumich.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 174-05, passed by the Council of the City of Cleveland on 7, 2005, Margaret M. Nee is hereby selected upon nomination of the Director of Aging, from a list of qualified consultants, determined after a full and complete canvass by the Director, as the consultant to be employed by contract for the purpose of supplementing the regularly employed staff of the Department of Aging to provide professional services necessary to assist grandparents and other relatives who are caregivers raising children, as the Parent Coordinator under the project Building Success for Cleveland's Kinship Families.

Be it further resolved that the Director of Aging is requested to enter into a written contract with Margaret M. Nee, which contract shall be prepared by the Director of Law, shall provide for furnishing the professional services described above, for a fee not exceeding \$6,250, on the basis of the March 1, 2005 grant agreement with Cuyahoga County for the Building Success Program, and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 209-05.

By Mayor Campbell.

Whereas, Ordinance No. 2370-04, passed January 24, 2005, provided that, upon the concurrence of this Board of Control, the Department of Building and Housing would continue until January 31, 2006;

Whereas, unless before January 31, 2006, the Cleveland City Council authorizes the continuation of the Department of Building and Housing and the Divisions of Construction Permitting and the Division of Code Enforcement, the Department of Building and Housing and the Division of Construction Permitting and the Division of Code Enforcement will be discontinued and the Division of Building and Housing will be reestablished within the Department of Community Development; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board hereby concurs in the continuation of the Department of Building and Housing, the Division of Construction Permitting, and the Division of Code Enforcement.

Be it further resolved that, unless before January 31, 2006, the Cleveland City Council authorizes the continuation of the Department of Building and Housing and the Division of Construction Permitting, and the Division of Code Enforcement, the Department of Building and Housing and the Division of Construction Permitting, and the Division of Code Enforcement will be discontinued and the Division of Building and Housing will be reestablished within the Department of Community Development.

Be it further resolved that the Secretary of the Board of Control is hereby instructed to file a certified copy of this resolution with the Clerk of Council immediately upon the adoption hereof for attachment to Ordinance No. 2370-04.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 210-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 908-04, passed by the Cleveland City Council June 7, 2004, as amended by Ordinance No. 2284-04, passed December 13, 2004, CIBER Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to provide professional services necessary to migrate the City's web site to a new host environment, program a new active directory for external email services and enhance the email and web site security services and maintain the site for the City's web sites and web portals.

Be it further resolved that the Director of Finance is requested to enter into a written contract with CIBER, Inc., based upon its January 28, 2005 proposal and its Statement of Work dated April 5, 2005, to provide web hosting, programming, training, web content editing and management, web site software maintenance, and all other related services necessary to hosting, programming, managing and supporting the City's website, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in the Statement of Work, for an aggregate fee not to exceed \$252,609.00, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that employment of the following Subconsultants by CIBER Inc. under the contract authorized above is approved:

<u>Subconsultant</u>	<u>Percentage of Bid</u>	<u>Amount</u>
Mid-America Consulting Group (MBE)	14.74%	\$22,442.00
SCK Design (FBE)	9.9%	\$15,067.00

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Director Taylor.

Resolution No. 211-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 355-05, passed by the Council of the City of Cleveland on April 4, 2005, Creative Works, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional services necessary to design, layout, produce, and distribute 2004 and 2005 Consumer Confidence Reports, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Creative Works, Inc. based upon its proposal dated March 31, 2005, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$364,722.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Creative Works, Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u>	<u>WORK</u>
DAR Public Relations, Inc. (MBE)	10.97%	\$ 40,000.00
Alice Paul Direct Mail Service	45.73%	\$166,772.00
ASIST Translation Services	2.30%	\$ 8,400.00
Don Snyder Photography, Inc.	1.37%	\$ 5,000.00
Island Technology, LLC	.96%	\$ 3,500.00
Hiney Printing Company	23.37%	\$ 85,250.00

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director Williams, Directors, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Director Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 16, 2005

9:30 A.M.

Calendar No. 05-17: 1545 Dexter Place (Ward 14)

Urban Properties LLC, owner, and John Williams, agent, appeal to erect 14 townhouse units in 2 buildings consisting of 9 attached units proposed along the north side of Dexter Place and 5 attached units along the west side of West 28th Street, situated in a B1 Two-Family District on a through lot that encompasses land between Dexter Place and West 28th Street at 1545 Dexter Place; the proposed two multi-unit townhouse structures are contrary to Section 337.03 and are first allowed in a Multi-Family District; the height of 40' exceeds the 35' limit in Section 353.01 for a "1" Height District; and contrary to Section 355.04, an approximate 27,942 s/f is proposed in the "B" Area District where one-half the lot area equals 11,200 s/f; and a 5.2' front yard setback is proposed, instead of the required 15% of the lot depth required in Section 357.04(a); and the total interior side yards are 7' instead of the required 8' according to Section 357.09(b)(2)(C) of the Codified Ordinances.

Calendar No. 05-77: 3400 St. Clair Avenue (Ward 13)

The Hong Kong Trading Center and Sin Mun Chan, owner, appeal to expand an existing restaurant with the addition of a tavern and nightclub in a one-story brick building, situated on a 66' x 165' corner lot in a General Industry District on the southeast corner of St. Clair Avenue and East 34th Street; no parking is provided for the expansion, contrary to Section 349.04(e) that requires

there be a new parking area equal to three times the gross floor area of the nightclub; and contrary to Section 347.12(a)(1), the new nightclub would be established within 500' of a Residential District on East 33rd Street.

Calendar No. 05-78: 4300 Whitman Avenue (Ward 13)

Larry Brichacek, owner, appeals to erect a 44' x 48' two-story frame, single family residence with an attached garage on a 100' x 55' irregular shaped corner lot, located in a B1 Two-Family District on the northeast corner of Whitman Avenue and West 44th Street at 4300 Whitman Avenue; contrary to Section 355.05, a minimum lot size of 4,200 s/f is proposed and 4,800 s/f is required; and the proposed front yard is contrary to Section 357.04 that requires it to be 15% of the lot depth; and contrary to Section 357.08, there is a 2' rear yard instead of 20' and an open front porch and side porch are proposed within the required 10' distance from the street line, contrary to Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 05-79: 1082 East 105th Street (Ward 8)

Maher Ali, owner, was granted a variance on February 9, 2004 in Calendar No. 03-330 to construct a one-story grocery store on a corner lot situated in split zoning between Local Retail Business and B1 Two-Family Districts; appellant now proposes to expand the nonconforming use by adding the construction of a gas station, contrary to the Regulations for Local Retail and Two-Family Districts; and Section 349.02 requires there be no voluntary reduction of existing off-street parking, 11 spaces being the required equivalent, and contrary to Sections 343.18(e) and 343.18(c) a 24' unbroken curb is provided and a minimum of 30' is required between two successive driveways on the same lot along East 105th Street; and the driveway access to the property along Somerset Avenue must be located so that there's no less than 15' between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line; and Section 343.15(b)(2) requires that no structure (a canopy) shall be built less than 20' from the property line adjacent to the public right of way; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval under Section 359.01 of the Codified Ordinances.

Calendar No. 05-105: 4098 Lee Road (Ward 1)

Gary Thomas, owner, appeals to make a repair of 50% fire damage and to change the use from auto storage to auto repair in an existing 34' x 50' one-story, fire damaged building situated on a 40' x 135' lot in a General Retail Business District on the east side of Lee Road at 4098 Lee Road; contrary to Section 343.11, the proposed auto repair is not permitted in a General Retail Business District but first allowed in a Semi-Industry District, provided that it is located no less than 100' from a Residence District, as stated in Section 345.03 of the Codified Ordinances.

Calendar No. 05-106: 2086 West 19th Street (Ward 13)

Martin McBride Niagra Homes, owner and Michael McBride, agent, appeal to erect a 22' x 20' two-story, frame room addition to an existing 1.5 story single family dwelling, situated on a 30' x 100' lot on the west side of West 19th Street at 2086 West 19th Street; as proposed, the addition provides only a 5' rear yard with the cantilevered second floor measurement of 3' instead of the 20' rear yard requirement, as stated in Section 357.08(b)(1) of the Codified Ordinances.

Calendar No. 05-108: 8912 Morris Avenue (Ward 7)

The Cleveland Municipal School District, owner, and Lester Cumberlander, agent, appeal to construct a new two-story, Kindergarten through Eighth Grade educational facility in a B1 Two-Family District on the site of the Daniel E. Morgan School, situated on acreage at the southeast corner of Morris Avenue and East 92nd Street at 8912 Morris Avenue; subject to the requirements of Section 337.02(f)(3)(C), a school and its accessory uses, if located less than 30' from a residential district, must have the Board of Zoning Appeals approval; and contrary to Sections 349.04(c) and (e), there are 59 parking spaces provided, instead of one for each two staff members and other employees or, 23 spaces, and one for each six gymnasium seats, or 50 spaces, for a combined total of 73 required spaces; and parking in the setback along Morris Avenue is prohibited, as stated in Section 357.14(a)(1) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 2, 2005

At the meeting of the Board of Zoning Appeals on Monday, May 2, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-67: 2125 East 89th Street

Antioch Baptist Church appealed to install a freestanding V-Shaped, illuminated church bulletin board on a corner lot in a Local Retail Business District; with conditions.

Calendar No. 05-69: 2061 West 10th Street

Bosan's Restaurant appealed to expand an existing restaurant with an outdoor patio addition in a Multi-Family District; with conditions.

Calendar No. 05-70: 3353 West 31st Street

Cleveland Housing Network appealed to erect a single family residence in a Two-Family District.

Calendar No. 05-73: 1859 West 25th Street

Heil Building Inc. appealed for a change of use to provide live entertainment in an existing mixed use building where there are three dwelling units, a store and a bar; with conditions.

Calendar No. 05-11: 4526 Turney Road

Elias Semaan appealed to change the use from a store and one dwelling unit to a day care center in a Local Retail Business District.

Calendar No. 05-25: 11723-25 Union Avenue

Mary Robinson appealed to change the use from a commercial store and one dwelling unit to a restaurant and a cell phone service store in a B1 Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 05-72: 1427-35 East 39th Street

Charles Tanko appealed to erect a 38' x 61' accessory garage in a Semi-Industry District.

The following appeal was **Dismissed:**

Calendar No. 05-68: 1033 Ivanhoe Road

Allen Harrison appealed to expand and include outside storage with the use of a mixed use building in a Local Retail Business District.

The following appeals were **Postponed:**

Calendar No. 04-328: North Coast Payphones ClevePhones, Inc. postponed to May 23, 2005.

Calendar No. 04-298: 3586 Fulton Road postponed to May 31, 2005.

In Executive Session on May 2, 2005, the following appeals heard by the Board on April 18, 2005 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 05-65: 1583 East 31st Street

Mueller Electric, owner, and Mueller Condominiums LLC c/o Tesco, prospective purchaser, appealed to change an office and warehouse building to a use for condominiums in a Semi-Industry District.

The following appeal was **Denied:**

Calendar No. 05-66: 6100 Memphis Avenue

Anthony DiDonato appealed to install an 18' high double face, illuminated, freestanding pole sign in front of a commercial building in a Local Retail Business District.

In Executive Session on May 2, 2005, the following appeal heard by the Board on March 28, 2005 was adopted and approved.

The following appeal was **Approved:**

Calendar No. 05-51: 11619 Lorain Avenue

Uptown Development Group Ltd. appealed to change the use in a two-story masonry building from 12 dwelling units, an office and three stores to 12 dwelling units, an office and a tavern in a Local Retail Business District; subject to conditions.

The following appeal heard by the Board on April 11, 2005 was adopted and approved.

Calendar No. 05-55: 2904 Woodhill Road

William Jackson appealed to establish a day care use in a mixed use building in a Multi-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."

WEDNESDAY, MAY 11, 2005

Fence Installation & Repair at East 65th Station, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1499-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A MANDATORY PRE-BID MEETING TUESDAY MAY 3, 2005 AT 11:00 A.M., CITY HALL, DIVISION OF STREETS, 2301 EAST 65th, CLEVELAND, OHIO 44104.

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

Uniforms Clothing, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1667-83, passed by the Council of the City of Cleveland, June 19, 1984.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY MAY 6, 2005 AT 10:00 A.M., CLEVELAND FIRE HEAD-QUARTERS, 1645 SUPERIOR AVENUE, BASEMENT CONFERENCE ROOM, CLEVELAND, OHIO 44114.

Photocopier Groups I, II, & III, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 319-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, MAY 5, 2005 AT 9:00 A.M., DIVISION PRINTING, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

April 27, 2005 and May 4, 2005

THURSDAY, MAY 12, 2005

Photo Lab Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 783-04, passed by the Council of the City of Cleveland, July 14, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MAY 6, 2005 AT 11:00 A.M., PHOTO LAB 7TH FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44113.

Vacuum Cleaners and Replacement Vacuum Cleaner Bags, for the Division of Environment, Department of Health, as authorized by Ordinance No. 229-05, passed by the Council of the City of Cleveland, March 7, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 6, 2005 AT 10:00 A.M., DIVISION OF ENVIRONMENT, DEPARTMENT OF HEALTH, 1925 ST. CLAIR AVENUE, CLEVELAND, OHIO 44114.

Property Insurance for the Cleveland Browns Stadium, for the Division of Convention Center, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 227-05, passed by the Council of the City of Cleveland, March 21, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 5, 2005 AT 10:00 A.M., THE CLEVELAND BROWNS STADIUM, LOCATED DOWNTOWN CLEVELAND, SERVICE ENTRANCE OFF WEST 3RD.

April 27, 2005 and May 4, 2005

FRIDAY, MAY 13, 2005

Fire Hydrants and Hydrants Parts, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 5, 2005 AT 10:30 A.M., DIVISION OF WATER — DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

April 27, 2005 and May 4, 2005

FRIDAY, MAY 27, 2005

Quicklime, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 6, 2005 AT 1:00 P.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, 1201 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Detroit Avenue Resurfacing, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 701-05 pending.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 13, 2005 AT 10:00 A.M., ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 27, 2005 and May 4, 2005

FRIDAY, JUNE 3, 2005

Refurbishment and Repair of Water Pumps Including Electric Motor, Control and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1473-04, passed by the Council of the City of Cleveland, October 25, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 11, 2005 AT 1:00 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

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

April 27, 2005 and May 4, 2005

WEDNESDAY, MAY 18, 2005

Purchase of Auto/Truck Frame Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 275-05, passed by the Council of the City of Cleveland, March 14, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY MAY 12, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Spring Parts and Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 926-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY MAY 12, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

May 4, 2005 and May 11, 2005

THURSDAY, MAY 19, 2005

First Aid Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 635-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY MAY 13, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Landscape Materials, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 637-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY MAY 13, 2005 AT 10:30 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 4, 2005 and May 11, 2005

WEDNESDAY, MAY 25, 2005

Construction of the Employee Parking Lot and Related Facilities at the Riveredge Site (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 912-2000, passed by the Council of the City of Cleveland, July 18, 2001.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, MAY 12, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

Medical Supplies and Equipment, for the Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 2232-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY MAY 16, 2005 AT 10:00 A.M., EMS HEADQUARTERS, 1708 SOUTH POINT DRIVE, 9TH FLOOR, CLEVELAND, OHIO 44109.

May 4, 2005 and May 11, 2005

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 786-05.

By Council Member Sweeney.
An emergency resolution objecting to a New C1 Liquor Permit at 13951 Triskett Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Holland Oil Company, 13951 Triskett Road, Cleveland, Ohio 44111, Permanent Number 39232320230; 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 Holland Oil Company, 13951 Triskett Road, Cleveland, Ohio 44111, Permanent Number 39232320230; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 787-05.

By Council Member Jackson.
An emergency resolution terminating the employment of Rick Nagin pursuant to Section 31 of the Charter of the City of Cleveland.

Whereas, Section 31 of the Charter of the City of Cleveland states "[t]he Council shall choose a Clerk and such other officers and employees of its own body as are necessary .. [a]ll such officers and employees chosen by the Council shall serve during the pleasure thereof"; 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, pursuant to Charter Section 31, terminates the employment of Rick Nagin.

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

Adopted April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 127-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Cleveland Rowing Foundation, for a term of twenty-five years, with one option to renew for an additional twenty-five years, for the public purpose of providing recreation activities and amenities.

Whereas, the City of Cleveland owns certain property known as the old Conrail Bridge Tender House and adjacent property located at the base of the Carter Road Lift Bridge which is suitable for lease and operation by another party for a public use; and

Whereas, the Cleveland Rowing Foundation has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is autho-

rized to lease to the Cleveland Rowing Foundation ("Lessee"), the following property for the public purpose of providing recreation activities and amenities for the term of the lease:

PPN: 004-29-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70, and more fully described as follows:

Commencing at a stone monument found at the intersection of the centerline of Scranton Road, N.W. (60 feet wide), and the centerline of Carter Road, N.W. (60 feet wide);

Thence Southwesterly along the centerline of said Carter Road, N.W., South 74° 32' 30" West, 1,006.82 feet to a point reset from City Survey Records at an angle point in said centerline;

Thence Northeasterly along the centerline of Carter Road, N.W., North 74° 32' 30" East, 0.76 feet to a point;

Thence North 30° 13' 50" West, 30.22 feet to a point on the Northwesterly line of Carter Road, N.W., as aforesaid, and the Principal Place of Beginning for the parcel of land herein described;

Thence Southwesterly along the Northwesterly line of said Carter Road, N.W., and passing through an iron pin set 2.00 feet Southwesterly of the Principal Place of Beginning, South 58° 28' 40" West, 118.71 feet to an iron pin set at an angle point in said Northwesterly line;

Thence continuing along said Northwesterly line, South 31° 47' 26" West, 6.93 feet to a drillhole and cross set in a stone wall;

Thence North 31° 33' 47" West, 361.01 feet to an iron pin set;

Thence North 14° 38' 08" West, 48.08 feet to an iron pin set;

Thence North 31° 33' 47" West, 0.75 feet to an iron pin set in the Southerly dock line of the Cuyahoga River;

Thence Northeasterly along said Southerly dock line, North 58° 28' 40" East, 100.00 feet to a point in the Southwesterly line of Parcel "C" of land conveyed to the City of Cleveland by deed recorded in Volume 4932, Page 287 of Cuyahoga County Deed Records;

Thence leaving said dock line Southeasterly along said Southwesterly line, South 31° 33' 47" East, 40.75 feet to a drillhole and cross set in concrete;

Thence South 43° 47' 18" East, 30.70 feet to a point at the Northwesterly corner of Parcel No. 1 of land conveyed to the Cleveland, Cincinnati, Chicago and St. Louis Railway Company by deed recorded in Volume 965, Page 390 of Cuyahoga County Deed Records;

Thence Northeasterly along the Northerly line of said Parcel No. 1, North 58° 26' 13" East, 4.50 feet to the Northeasterly corner thereof;

Thence Southeasterly along said Northeasterly line of Parcel No. 1, South 32° 19' 37" East, 150.00 feet to an iron pin set at an angle point therein;

Thence continuing Southeasterly along said Northeasterly line of Parcel No. 1, South 31° 33' 47" East, 94.00 feet to an iron pin set;

Thence continuing Southeasterly along said Northeasterly line of Par-

cel No. 1, South 30° 13' 50" East, 89.95 feet to the Principal Place of Beginning.

Containing 50,002 square feet or 1.1479 acres of land, more or less.

All iron pins set are 1/2" diameter and capped unless otherwise noted.

Bearings used are based on the Cleveland Regional Geodetic Coordinate System.

Section 2. That the term of the lease authorized by this ordinance shall not exceed twenty-five years, with one option to renew for an additional twenty-five years, upon mutual agreement of the parties.

Section 3. That the property described above shall be leased at a rental rate of \$1.00 and other valuable considerations, which is determined to be fair market value.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law. The terms of the lease shall be in accordance with those described in the executive summary for this legislation as amended by the Finance Committee of this Council and contained in File No. 127-05-A.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 232-05.

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

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 53646 with Otis Associates Limited Partnership to make modifications to the contract.

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 amendment to Contract No. 53646 and any security documents with Otis Associates Limited Partnership, to eliminate the low-income rent reimbursement program as described in Section 5.15 of the agreement. All other loan terms contained in the original loan agreement shall remain the same.

Section 2. That the amendment to the loan agreement authorized shall be prepared by the Director of Law.

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 242-05.

By Council Member Coats.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 501.031, relating to construction of private roads; and amending Section 501.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924, relating to penalties.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 501.031 to read as follows:

Section 501.031 Construction of Private Roads

(a) *Definitions.* "Private Road" means a privately owned or controlled and maintained drive, street, road or lane, that provides the primary means of vehicular ingress and egress to two or more parking lots, unimproved parcels, or principal buildings, or three or more dwelling houses, whether that drive, street, road or lane is created by a private right-of-way, easement, or other device. A private road shall also include the following:

(1) an access road where two or more lots, or dwelling houses share a common access drive or device even if each lot has the required frontage on a public road.

(2) any and all extensions, additions, or branches of, or to a private road shall be considered part of the private road that abuts the public road, except those extensions, additions, or branches that access less than three dwelling houses, or less than two lots, parcels, or principal buildings.

(b) *Permit Required.* No person shall construct a private road or alter an existing private road without first obtaining a permit for the construction or alteration from the Department of Public Service. The periodic cleaning and re-surfacing of the road shall not be considered an alteration and shall not require a permit as long as the specifications under which the road was approved are not compromised.

(c) *Form of Permit.* Before a person may receive a permit the person shall file with the Director of Public Service an application on the form provided by the Director. This application shall include any information the Director deems necessary and shall be accompanied by road plans showing the proposed construction or alteration. The pro-

posed construction shall comply, at a minimum, with all Rules and Regulations enacted by the Director.

At the time of the application, applicant shall pay a non-refundable fee in accordance with a fee schedule fixed from time to time by the Board of Control.

(d) *Decision on Application.* The Director shall approve or deny the permit within thirty days of receiving a completed application. The Director may inform permittee that the construction plans do not conform to the City's Rules and Regulations. The permittee may change the construction plans and resubmit them.

If a permit is denied, permittee may appeal to the Board of Zoning Appeals within thirty days of the denial.

(e) *Other Regulations.* Any private road shall comply with all other applicable regulations, including the Zoning Code requirements for access and maintenance of off-street parking spaces.

(f) *Rules and Regulations.* The Director may enact Rules and Regulations concerning construction of private roads, including, but not limited to, standards and specifications for the private streets, and regulations for the construction process. The Rules and Regulations shall require that, at a minimum, the roads meet City specifications for similar roads. The Rules and Regulations shall take effect thirty days after their publication in the City Record.

(g) *Periodic Inspections; Fee.* The Director may make periodic inspections of the road construction to ensure compliance with the construction plans as approved, and the applicable Rules and Regulations. At the completion of the construction, the Director shall make a final inspection of the road and issue a certificate of completion. The Permittee shall be required to make a deposit in an amount as determined by the Director of Public Service for periodic inspections of the road construction. Any amounts not used shall be refunded to the Permittee.

(h) No person shall construct or alter a private road without first obtaining the permit required in this section.

(i) No person shall construct or alter a private road except in accordance with the permit and approved plans.

The Director is authorized to charge fees at the time of any inspection according to an inspection fee schedule fixed from time to time by the Board of Control.

Section 2. That Section 501.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is amended to read as follows:

Section 501.99 Penalty

(a) Whoever violates Section 501.02 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

(b) Whoever violates division (h) or (i) of Section 501.031 shall be guilty of a misdemeanor of the first degree.

Section 3. That existing Section 501.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is repealed.

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 375-05.

By Council Member Reed.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13917 Kinsman Road to Mt. Pleasant Now Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 130-12-031, as more fully described below, to Mt. Pleasant Now Development Corporation or designee.

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

P. P. No. 130-12-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 446, bounded and described as follows:

Beginning at a point on the Northeastly line of Kinsman Road, S.E., 100 feet Northwestly from the intersection of the Northerly line of Kinsman Road, S.E. with the Westerly line of East 140th Street; thence Northerly parallel with the Westerly line of East 140th Street, 111.35 feet; thence Westerly on a line at right angles with the Westerly line of East 140th Street about 48.43 feet; thence Southerly parallel with the Westerly line of East 140th Street, 98.92 feet to the Northeastly line of Kinsman Road, S.E.; thence Southeastly along the Northeastly line of Kinsman Road, S.E., 50 feet to the place of beginning, and further known as Sublot No. 3 in William Behm's Propose Allotment of part of Original One Hundred Acre Lot No. 446, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 376-05.

By Council Member Reed.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kinsman Road and East 132nd Street to Mt. Pleasant Now Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 130-08-031,

130-08-076 and 130-08-137, as more fully described below, to Mt. Pleasant Now Development Corporation or designee.

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

P. P. No. 130-08-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 93 and 94 in the Kinsman Heights Subdivision of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northeastly line of Kinsman Road, S.E., at a point six feet Southeastly, (measured along said Northeastly line), from the Southwestly corner of said Sublot No. 94; thence Northwestly along said Northeastly line of Kinsman Road, S.E., 20-18/100 feet; thence Northerly along a line parallel with the Easterly line of said Sublot No. 93 to its intersection with a line drawn parallel with and distant Southerly 20-66/100 feet (measured along the Easterly line of East 132nd Street), from the Northerly line of said Sublot No. 93; thence Westerly parallel to said Northerly line of Sublot No. 93 to said Easterly line of East 132nd Street; thence Northerly along said Easterly line of East 132nd Street, 11-66/100 feet; thence Easterly on a line parallel to the Northerly line of said Sublot Nos. 93 and 94 to its intersection with a line drawn parallel with said Easterly line of said Sublot No. 93 from the place of beginning; thence Southerly parallel to said Easterly line of said Sublot No. 93 to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 130-08-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in Kinsman Heights Subdivision of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 132nd Street and extending back of equal width 105 feet deep, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 130-08-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 94 in the Kinsman Heights Allotment of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records and forming a parcel of land bounded and described as follows:

Beginning in the Northeastly line of Kinsman Road S.E. (66 feet wide) at a point distant North 75° 17' 05" West (measured along said Northeastly line of Kinsman Road, S.E.), 5.73 feet from the most

Southerly corner of said Sublot No. 94, said place of beginning being also the Southwesterly corner of Parcel No. 1 of land conveyed to Anna Risman, by deed dated June 4, 1946 and recorded in Volume 6081, Page 343 of Cuyahoga County Records; thence North 75° 17' 05" West, along said Northeasterly line of Kinsman Road, S.E., 42.44 feet to the most Southerly corner of a parcel of land conveyed to Sarah Schusterman, by deed dated November 10, 1926 and recorded in Volume 3366, Page 514 of Cuyahoga County Records, said point being distant South 75° 17' 05" East (measured along said Northeasterly line of Kinsman Road, S.E.), 6.00 feet from the Southwesterly corner of said Sublot No. 94; thence North 0° 25' 55" East, along the Easterly line of said land conveyed to Sarah Schusterman, 97.33 feet; thence south 89° 31' 55" East, 41.11 feet to the Westerly line of said Parcel No. 1 of land conveyed to Anna Risman; thence south 0° 25' 55" West, along said Westerly line of Parcel No. 1 of land conveyed to Anna Risman, 107.76 feet to the place of beginning, according to a survey dated December 22, 1953 by the National Survey Service, Incorporated, Civil Engineers and Surveys.

Subject to Zoning Ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, after consultation with the Council Member for the ward in which the property is located, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 417-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, 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 Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154897)

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 419-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with ZEN Industries, Inc. to provide economic development assistance to partially finance the purchase of machinery and equipment for their facility located at 2340 East 69th Street, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with ZEN Industries, Inc. to provide economic development assistance to partially finance the purchase of machinery and equipment for their facility located at 2340 East 69th Street, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 419-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Forty-Six Thousand Five Hundred Dollars (\$46,500.00), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103642.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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.

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 420-05.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Hamilton/Marquette Limited Partnership, to provide development assistance to partially finance the acquisition of real property, construction of leasehold improvements, assistance with architectural, engineering and other consulting fees, and other renovation costs for the property located at 5401 Hamilton Avenue, and all other associated costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, the project has been approved; and

Whereas, Council desires to authorize the development assistance to the project which has been approved by the Department of Economic Development and the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Hamilton/Marquette Limited Partnership, to provide development assistance to partially finance the acquisition of real property, construction of leasehold improvements, assistance with architectural, engineering and other consulting fees, and other renovation costs for the property located at 5401 Hamilton Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 420-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Three Hundred and Ten Thousand Dollars (\$310,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103640.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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.

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 421-05.
By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Olive Court to Melanie Shounnette Powell Brazil.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-03-071, 118-03-072 and 118-03-073, as more fully described below, to Melanie Shounnette Powell Brazil.

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

P. P. No. 118-03-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 17 in Geo. E. Dascomb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Northerly line of Olive Court, N.E., (formerly Olive Court), at its intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along the Northerly line of Olive Court, N.E., 26 feet 9-1/4 inches; thence Northerly and parallel with the Westerly line of said Clara M. Hannon's Subdivision, 95 feet; thence Easterly and parallel with the Northerly line of Olive Court, N.E., 26 feet 9-1/4 inches to the Westerly line of said Subdivision; thence Southerly along the Westerly line of said Subdivision, 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 16 and 17 in Geo. E. Dascomb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Olive Court NE, (formerly Olive Court), 38 feet wide, at a point 26 feet 9-1/4 inches Westerly, measured along said Northerly line from its point of intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along said Northerly line of Olive Court NE, 31 feet; thence Northerly on a line parallel with said Westerly line of said Clara M. Hannon's Subdivision, 95 feet; thence Easterly on a line parallel to said Northerly line of Olive Court NE, 31 feet; thence Southerly 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 16 in George A. Dascomb's Subdivision of part of Original 100 Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Olive Court N.E. at a point distant Westerly measured along said Northerly line 57 feet, 9-1/4 inches from its point of intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps,

Page 29 of Cuyahoga County Records; thence Westerly along the Northerly line of Olive Court N.E. a distance of 30 feet 2 inches to the Southeasterly corner of a parcel of land conveyed to Elizabeth C. Warren by deed dated July 6, 1896 and recorded in Volume 649, Page 264 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Elizabeth Warren as aforesaid a distance of 95 feet to the Northeasterly corner thereof; thence Easterly and parallel with the Northerly line of Olive Court N.E. a distance of 30 feet 2 inches to a point; thence Southerly in a direct line a distance of 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 422-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Crawford Road to Terrence Thompkins and Veora Croft-Thompkins.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-03-032, as more fully described below, to Terrence Thompkins and Veora Croft-Thompkins.

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

P. P. No. 119-03-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in the Subdivision made by Eliza Hough and the heirs of Oliver Hough of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 3 of Maps, Page 21 of Cuyahoga County Records bounded and described as follows:

Beginning at a point in the Northwesterly line of Crawford Road, N.E., 38.01 feet Southwesterly from its intersection with the Northerly line of said Sublot; thence Westerly 126.78 feet to a point 30.87 feet Southerly from the Northerly line of said Sublot; thence Southerly 35.68 feet to the Northerly line of Brookline Avenue, N.E., (formerly Crawford Place), said Northerly line of Brookline Avenue, N.E. running parallel with and 90 feet Northerly from the Southerly line of said Sublot No. 10 which Southerly line is also the Southerly line of said Original Lot No. 391; thence Easterly along the Northerly line of said Brookline Avenue, N.E. 101.66 feet to the Northwesterly line of Crawford Road, N.E.; thence Northeasterly along said Northwesterly line, 43.64 feet to the place of beginning, said premises are also known as a part of Sublot No. 21 in a proposed Subdivision intended to be made by F.B. Fox, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market

Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 424-05.
By Council Member White.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd and Harvard to Cleveland Municipal School District.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 134-08-046, 134-08-047, 134-08-048 and 134-08-049, as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 134-08-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Plat of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of

Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 93rd Street (60 feet wide) at a point distant Southerly measured along said Westerly line 90 feet from the Southerly line of Harvard Avenue, S.E. (60 feet wide); thence Southerly along said Westerly line of East 93rd Street, 75 feet; thence Westerly parallel with the Southerly line of Harvard Avenue, S.E., 57.50 feet; thence Northerly parallel with the Westerly line of East 93rd Street, 75 feet; thence Easterly 57.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 134-08-047

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464 as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records and bounded and described as follows:

Beginning at intersection of the Southerly line of Harvard Avenue S.E. (formerly Harvard Street), with the Westerly side of East 93rd Street, form Woodland Hills Avenue); thence Southerly along said Westerly line of East 93rd Street 90 feet to the Northeast corner of land conveyed to William H. Braund and Frances Btaund by deed dated April 28, 1897 and recorded in Volume 660, Page 461 of Cuyahoga County Records; thence Westerly along said Northerly line of land so conveyed to William H. Braund and Frances Braund 20 feet; thence Northerly parallel to the Westerly line of East 93rd Street, 90 feet to the Southerly line of Harvard Avenue S.E.; thence Easterly along said Southerly line of Harvard Avenue S.E., 20 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Harvard Avenue S.E. (formerly Harvard Street), 20 feet Westerly measured along said Southerly line from the point of intersection with the Westerly line of East 93rd Street (formerly Woodland Hills Avenue); thence Southerly parallel with the Westerly line of said East 93rd Street and 20 feet distant therefrom, 90 feet to the Northerly line of land conveyed to William H. Braund and Frances Braund, by deed dated April 28, 1897, and recorded in Volume 660, Page 461 of Cuyahoga County

Records; thence Westerly along the Northerly line of land so conveyed to William H. Braund and Frances Braund, 37-1/2 feet; thence Northerly parallel to the Westerly line of East 93rd Street, 90 feet to the Southerly line of Harvard Avenue S.E.; thence Easterly along said Southerly line of Harvard Avenue S.E. 37-1/2 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.
Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue S.E., (60 feet wide), (formerly Harvard Street), which point is 57-50/100 feet West of the intersection of said South line of Harvard Avenue S.E., and the Westerly line of East 93rd Street, (60 feet wide), (formerly Woodland Hills Avenue); thence Westerly along the Southerly line of Harvard Avenue S.E., as aforesaid, 3-99/100 feet to a point; thence Southerly parallel with the Westerly line of East 93rd Street, 90 feet to a point; thence Easterly parallel with the Southerly line of Harvard Avenue S.E., 3-99/100 feet to a point; thence Northerly parallel with the Westerly line of East 93rd Street, 90 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.
Subject to zoning ordinances, if any.

P. P. No. 134-08-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 59 and 60 in Newburgh Village Allotment of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue, S.E., 57 feet 6 inches Westerly from its intersection with the Westerly line of East 93rd Street; thence Westerly along the Southerly line Harvard Avenue, S.E., 45 feet to the Easterly line of land conveyed to David Teese by deed recorded in Volume 112, Page 315 of Cuyahoga County Records; thence Southerly parallel with the Westerly line of East 93rd Street and along the Easterly line of land so conveyed to David Reese 165 feet; thence Easterly parallel with the Southerly line of Harvard Avenue, S.E., 45 feet; thence Northerly parallel with the Westerly line of East 93rd Street, 165 feet to the place of beginning, be the same more or less, but subject to all legal highways. Excepting therefrom the following described parcel:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being further known as part of Sublot Nos. 59 and 60 in Newburgh Village Allotment of part of

Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue, 60 feet wide, (formerly Hamilton Street), which point is 57.50 feet West of the intersection of said South line of Harvard Avenue and the Westerly line of East 93rd Street, 60 feet wide, (formerly Gaylord Street); thence Westerly along the Southerly line of Harvard Avenue, as aforesaid 3.99 feet to a point; thence Southerly parallel with the Westerly line of East 93rd Street 90 feet to a point; thence Easterly parallel with the Southerly line of Harvard Avenue 3.99 feet to a point; thence Northerly parallel with the Westerly line of East 93rd Street, 90.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 134-08-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 464, and bounded and described as follows:

Beginning at the Northeast corner of land deeded by David Reese to Chatlotte and Emma Reese; thence South 165 feet; thence East 45 feet; thence North 165 feet and parallel with the West line of East 93rd Street; to the Southerly line of Harvard Avenue, S.E. (formerly Hamilton Street); thence West 45 feet to the place of beginning and being the same tract conveyed by Osias W. Lewis to David Jones by deed dated May 17, 1871 and recorded in Volume 188, Page 335 of Cuyahoga County Records, said parcel is a part of Sublot No. 59 in the Newburgh Village Plat (Volume 2, Page 20 of Cuyahoga County Records) and fronts on the South side of Harvard Avenue, S.E. to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 466-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of emulsion and purging solution, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139652)

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 467-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of magnesium chloride, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139651)

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 468-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of manhole risers, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account 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 certified by the Director of Finance. (RL 139650)

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 469-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of rock salt, 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 Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139653)

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 470-05.

**By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to clean and maintain scale pits at the Ridge Road Scale House and Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, Department of Public Service.**

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials to clean and maintain scale pits at the Ridge Road Scale House and Ridge Road Transfer Station in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130534)

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 474-05.

**By Council Member Zone.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fenwick Avenue to Stockyard Redevelopment Organization or designee.**

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 006-22-030 and 006-22-032, as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 006-22-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 21 feet of Sublot No. 306 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and being 21 feet front on the Southerly side of Revin Street, now known as Fenwick Avenue, S.W. and extending back between the East line of said Sublot No. 306 and a line parallel thereto about 188-1/2 to the Northerly line of Walworth Street as established by appropriation proceedings in Probate Court Docket 20, No. 1976, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 006-22-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 306 in Taylor and Hoyt's Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Fenwick Avenue, S.W., (formerly Ravin Street), 21 feet Westerly from the Northeasterly corner of Sublot No. 306 said point and being also the Northwesterly corner of land conveyed to John and Phillipina Decker by Deed dated May 21, 1906 and recorded in Volume 1043, Page 193 of Cuyahoga County Records; thence Westerly along the Southerly line of Fenwick Avenue, S.W., 21 feet; thence Southerly parallel with the Westerly line of land so conveyed to John and Phillipina Decker about 189 feet to the Northerly line of Walworth Avenue, S.W.; thence Easterly along the Northerly line of Walworth Avenue, S.W., about 21 feet to the Southwesterly corner of land so conveyed to John and Phillipina Decker; thence Northerly along the Westerly line of land so conveyed to John and Phillipina Decker about

188 feet 6 inches, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 548-05.
By Council Member Jackson (by departmental request).**

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of messenger services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids

for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118733)

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 576-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for drug and alcohol testing services, for a term not to exceed eighteen months.

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, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for laboratory testing services necessary to test specimens to determine the presence of alcohol or drugs of abuse, for a term not to exceed eighteen months, in the approximate sum of \$70,000, for the Cleveland Municipal Court, on a unit basis. The contracts or contracts shall be paid from Fund Nos. 01-011509-632000 and 10 SF 085, Request No. 150445.

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 578-05.
By Council Members Polensek, Sweeney, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Muldoon's Saloon and Eatery to encroach into the public right-of-way of Mozina Drive to construct, install, use, and maintain a landscape strip.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Muldoon's Saloon and Eatery, 1012 East 185th Street, Cleveland, Ohio ("Permittee") to encroach into the public right-of-way of Mozina Drive by constructing, installing, using, and maintaining a landscape strip at the location more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original Euclid Township Tract No. 15;

And being a strip of land about 10 feet by about 24 feet in length extending across Mozina Drive (40 feet wide) and being parallel with the center line of East 185th Street (70 feet wide) and about 135 feet Westerly by rectangular measurement from the intersection of said center line of East 185th Street and the center line of Mozina Drive (40 feet wide).

Legal description approved by Greg Esber, City Surveyor, March 30, 2005.

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

Section 2. That Permittee shall construct and install the encroaching structures only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroaching structures.

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss which may result from the encroachments permitted.

Section 4. That the Permit shall reserve to the City reasonable right of entry to the encroachment location.

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 585-05.

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

An emergency ordinance approving the collective bargaining agreement with the International Association of Machinists District Council 54, Local 439; and amending Sections 16 and 30 of Ordinance No. 384-03, passed March 10, 2003, as amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Association of Machinists District Council 54, Local 439, under the terms contained in File No. 585-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

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

Section 2. That Section 16 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 16. International Association of Machinists District Council 54, Local 439. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Machinist.....	\$ 15.83	\$ 20.00
2. Machinist Helper.....	\$ 13.72	\$ 16.90

Section 3. That existing Section 16 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

Section 4. That Section 30 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance Nos. 605-03, passed June 10, 2003, 1801-03, passed October 13, 2003 and 1814-04, passed October 4, 2004, is amended to read as follows:

Section 30. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant IV.....	\$20,092.80	\$ 53,834.24
2. Airport Operations Agent III.....	\$20,092.80	\$ 50,543.24
3. Assistant Bureau Chief-Demolition.....	\$20,092.80	\$ 48,834.05
4. Assistant Financial Systems Coordinator.....	\$20,092.80	\$ 48,834.05
5. Assistant Personnel Administrator.....	\$20,092.80	\$ 50,543.24
6. Assistant Water Plant Manager.....	\$ 9.66	\$ 30.00
7. Assistant Water Plant Manager - Parma.....	\$ 9.66	\$ 30.00
8. Budget and Management Analyst.....	\$20,092.80	\$ 50,543.24
9. Chief Dog Warden.....	\$20,092.80	\$ 74,360.00
10. Labor Relations Assistant.....	\$20,092.80	\$ 48,834.05
11. Machinist Unit Leader.....	\$ 14.28	\$ 22.65
12. Rehabilitation Supervisor.....	\$20,092.80	\$ 48,834.05
13. Superintendent of Sewer Maintenance.....	\$20,092.80	\$ 67,600.00
14. Supervisor of Architectural Construction.....	\$20,092.80	\$ 50,563.90
15. Supervisor of Personnel Records.....	\$20,092.80	\$ 48,834.05
16. Supervisor of Site Development.....	\$20,092.80	\$ 48,834.05
17. Supervisor of Vital Statistics.....	\$20,092.80	\$ 50,543.24
18. Systems Analyst.....	\$20,092.80	\$ 56,000.00
19. Water System Construction Inspector Supervisor.....	\$20,092.80	\$ 56,680.00

Section 5. That existing Section 30 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance Nos. 605-03, passed June 10, 2003, 1801-03, passed October 13, 2003 and 1814-04, passed October 4, 2004, is repealed.

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

Passed April 25, 2005.

Effective April 26, 2005.

Ord. No. 651-05.
By Mayor Campbell.
An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the City of Brecksville, between Oakes Road and Metro Parks Boulevard to the City of Brecksville.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to the City of Brecksville (the "Redeveloper") no longer needed for public use and located at in the City of Brecksville, between Oakes Road and Metro Parks Boulevard; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a part of Permanent Parcel No. 603-10-004 is no longer need-

ed for public use, consisting of the easterly-most seventy-five (75) acres, contiguous to the City of Brecksville's recreation center and running between Oakes Road and Metropolitan Park Boulevard. The Director of Parks, Recreation and Properties shall cause a legal description to be prepared to describe said part of Permanent Parcel No. 603-10-004 to be placed in File No. 651-05-A.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, which shall not be less than \$3,000,000.00 taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the

Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs. The conveyance shall include a deed restriction that the subject property shall be used in perpetuity for municipal recreation and green space use only. The City of Cleveland shall retain an easement in perpetuity for Cleveland's existing utility lines and the Division of Water's tower site and communications antenna.

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

Passed April 25, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 773-05.
By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance approving the collective bargaining agreement with the Cleveland Building and Construction Trades Council; and amending Section 43 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1099-03, passed June 10, 2003 and Ordinance No. 1267-03, passed July 16, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Building and Construction Trades Council, under the terms contained in File No. 773-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit.

Section 2. That Section 43 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1099-03, passed June 10, 2003 and Ordinance No. 1267-03, passed July 16, 2003, is amended to read as follows:

Section 43. Hourly Rate - Building & Construction Trades Council

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Effective Date	Minimum	Maximum
1. Asbestos Worker.....	5/1/04	\$32.22	\$41.90
2. Boiler Maker.....	7/1/04	\$33.88	\$42.35
3. Bricklayer.....	5/1/04	\$28.06	\$36.16
4. Bricklayer Foreman.....	5/1/04	\$28.86	\$37.73
5. Carpenter.....	5/1/04	\$27.76	\$35.77
6. Carpenter Foreman.....	5/1/04	\$28.76	\$37.34
7. Carpenter Apprentice.....	5/1/04	\$14.45	\$18.06
8. Cement Finisher.....	5/1/04	\$28.13	\$36.36
9. Cement Finisher Foreman.....	5/1/04	\$28.93	\$37.93
10. Electrical Worker.....	5/1/04	\$33.87	\$44.17
11. Electrical Worker Foreman.....	5/1/04	\$34.67	\$45.74
12. Glazier.....	5/1/04	\$27.86	\$34.82
13. Ironworker.....	8/1/04	\$32.37	\$41.56
14. Ironworker Foreman.....	8/1/04	\$34.17	\$43.13
15. Painter.....	6/1/04	\$27.26	\$35.20
16. Painter - Apprentice.....	5/1/04	\$14.46	\$18.06
17. Painter Foreman.....	6/1/04	\$28.06	\$36.76
18. Pipefitter (Welder).....	5/1/04	\$33.52	\$43.42
19. Pipefitter Foreman.....	5/1/04	\$34.32	\$44.99
20. Plasterer.....	5/1/04	\$27.86	\$35.89
21. Plasterer Foreman.....	5/1/04	\$28.66	\$37.45
22. Plumber (Welder).....	5/1/04	\$33.53	\$43.53
23. Plumber Foreman.....	5/1/04	\$34.33	\$45.09
24. Roofer.....	5/1/04	\$28.42	\$36.63
25. Sheet Metal Worker.....	5/1/04	\$31.50	\$40.99
26. Sheet Metal Worker Foreman.....	5/1/04	\$32.30	\$42.56

Section 3. That Section 43 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1099-03, passed June 10, 2003 and Ordinance No. 1267-03, passed July 16, 2003, is repealed.

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

Passed April 25, 2005.

Effective April 26, 2005.

Ord. No. 774-05.

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

An emergency ordinance approving the collective bargaining agreement with the International Local 100, AFSCME Ohio Council 8 AFL-CIO; and amending Sections 8, 28, 37, and 40, of Ordinance No. 384-03, passed March 10, 2003, as amended, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Local 100, AFSCME Ohio Council 8 AFL-CIO, under the terms contained in File No. 774-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That the following Sections of Ordinance No. 384-03, passed March 10, 2003:

Section 8 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance Nos. 605-03, passed June 10, 2003, 1801-03, passed October 13, 2003, and 1814-04, passed October 4, 2004,

Section 28 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance 1801-03, passed October 13, 2003, Ordinance No. 1501-04, passed August 11, 2004, and Ordinance No. 1814-04, passed October 4, 2004,

Section 37 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, and

Section 40 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, and Ordinance No. 1814-04, passed October 4, 2004. are amended to read as follows:

Section 8. International Local 100, AFSCME Ohio Council 8 AFL-CIO. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant I.....	\$ 9.66	\$ 17.95
2. Accountant II.....	\$ 9.66	\$ 19.69
3. Accountant III.....	\$ 9.66	\$ 21.83
4. Accountant Clerk I.....	\$ 9.66	\$ 14.54
5. Accountant Clerk II.....	\$ 9.66	\$ 15.71
6. Activities Therapist.....	\$ 9.66	\$ 13.82
7. AIDS Support Services Coordinator.....	\$ 10.49	\$ 15.46
8. Air Pollution Control Engineer I.....	\$ 9.66	\$ 23.08
9. Air Pollution Control Engineer II.....	\$ 9.66	\$ 24.33
10. Air Pollution Control Engineer III.....	\$ 9.66	\$ 25.63
11. Air Pollution Engineer.....	\$ 12.04	\$ 18.02
12. Air Pollution Inspector I.....	\$ 12.12	\$ 18.57
13. Air Pollution Inspector II.....	\$ 9.66	\$ 20.71
14. Air Pollution Technician I.....	\$ 9.66	\$ 19.69
15. Air Pollution Technician II.....	\$ 9.66	\$ 20.71
16. Air Pollution Technician III.....	\$ 9.66	\$ 23.08
17. Airport Information Representative.....	\$ 10.02	\$ 15.08
18. Airport Operations Agent I.....	\$ 14.14	\$ 18.65
19. Airport Operations Agent II.....	\$ 17.77	\$ 21.95
20. Airport Safety Man.....	\$ 14.19	\$ 19.07
21. Architect.....	\$ 9.73	\$ 27.14
22. Associate Engineer.....	\$ 17.83	\$ 25.39
23. Assistant Buyer.....	\$ 9.66	\$ 18.83
24. Assistant City Planner.....	\$ 9.66	\$ 19.69
25. Assistant Civil Engineer.....	\$ 9.66	\$ 19.69
26. Assistant Electrical Engineer.....	\$ 9.66	\$ 19.69
27. Assistant Mechanical Engineer.....	\$ 9.66	\$ 19.69
28. Assistant Plan Examiner.....	\$ 13.42	\$ 20.71
29. Associate Programmer.....	\$ 9.66	\$ 21.10
30. Bacteriologist.....	\$ 9.66	\$ 21.82
31. Bill Collector.....	\$ 10.02	\$ 15.08
32. Billing Clerk.....	\$ 9.89	\$ 15.07
33. Building Inspector.....	\$ 14.26	\$ 20.02
34. Camera Room Operator.....	\$ 9.66	\$ 17.14
35. Caseworker I.....	\$ 9.66	\$ 16.37
36. Caseworker II.....	\$ 9.66	\$ 17.95
37. Cashier/Starter.....	\$ 9.66	\$ 17.95
38. Chemist.....	\$ 9.66	\$ 23.85
39. Chief Miscellaneous Investigator.....	\$ 9.66	\$ 20.71
40. Citizens Information Representative.....	\$ 9.66	\$ 17.14
41. Civil Engineer.....	\$ 9.66	\$ 27.14
42. Claims Examiner.....	\$ 9.66	\$ 20.71

43.	Clerk Typist.....	\$ 9.66	\$ 11.24
44.	Clinical Laboratory Assistant.....	\$ 9.66	\$ 17.14
45.	Clinical Laboratory Technician I.....	\$ 9.66	\$ 19.69
46.	Clinical Laboratory Technician II.....	\$ 9.66	\$ 21.10
47.	Cocaine Treatment Counselor I.....	\$ 9.66	\$ 16.30
48.	Cocaine Intake Specialist.....	\$ 9.95	\$ 14.67
49.	Community Development Code Enforcement Inspector I.....	\$ 14.08	\$ 21.84
50.	Community Development Code Enforcement Inspector II.....	\$ 14.89	\$ 23.08
51.	Community Development Code Enforcement Inspector III.....	\$ 15.70	\$ 24.33
52.	Community Development Code Enforcement Inspector/Heating I.....	\$ 14.08	\$ 21.84
53.	Community Development Code Enforcement Inspection/Heating II.....	\$ 14.89	\$ 23.08
54.	Community Development Code Enforcement Inspection/Heating III.....	\$ 15.70	\$ 24.33
55.	Community Development Code Enforcement Inspector/Refrigeration I.....	\$ 14.05	\$ 21.84
56.	Community Development Code Enforcement Inspector/Refrigeration II.....	\$ 14.89	\$ 23.08
57.	Community Development Code Enforcement Inspector/Refrigeration III.....	\$ 15.70	\$ 24.33
58.	Community Development Code Enforcement Inspector/Trainee.....	\$ 9.97	\$ 17.62
59.	Community Development Planner.....	\$ 9.87	\$ 26.11
60.	Community Health Aide.....	\$ 9.66	\$ 14.53
61.	Community Relations Representative I.....	\$ 9.66	\$ 17.14
62.	Community Relations Representative II.....	\$ 9.66	\$ 20.71
63.	Community Relations Representative III.....	\$ 9.66	\$ 25.63
64.	Composing Equipment Operator.....	\$ 9.66	\$ 18.83
65.	Computer Monitor Assistant.....	\$ 9.66	\$ 12.45
66.	Computer Operator.....	\$ 9.66	\$ 20.71
67.	Construction Technician.....	\$ 12.02	\$ 20.71
68.	Consumer Protection Specialist.....	\$ 9.66	\$ 16.37
69.	Contract and Monitoring Specialist.....	\$ 9.66	\$ 21.91
70.	Cook.....	\$ 11.38	\$ 14.18
71.	Copy Center Operator.....	\$ 9.66	\$ 16.64
72.	Cost Construction Estimator.....	\$ 9.66	\$ 20.16
73.	Customer Service Representative.....	\$ 10.03	\$ 15.70
74.	Data Control Clerk.....	\$ 9.66	\$ 15.09
75.	Data Conversion Operator.....	\$ 9.92	\$ 13.67
76.	Dental Assistant.....	\$ 9.66	\$ 14.25
77.	Development Officer.....	\$ 9.66	\$ 24.32
78.	Dietician.....	\$ 9.66	\$ 17.94
79.	Disease Surveillance Specialist.....	\$ 14.42	\$ 28.85
80.	Drug and Alcohol Counselor.....	\$ 9.66	\$ 13.34
81.	Electrical Engineer.....	\$ 9.66	\$ 27.14
82.	Electronic Engineer.....	\$ 9.66	\$ 27.63
83.	Elevator Inspector.....	\$ 14.23	\$ 21.84
84.	Engineer.....	\$ 22.78	\$ 30.90
85.	Environmental Compliance Specialist I.....	\$ 14.95	\$ 20.63
86.	Environmental Compliance Specialist II.....	\$ 16.35	\$ 21.61
87.	Environmental Compliance Specialist III.....	\$ 17.90	\$ 27.81
88.	Environmental Enforcement Specialist I.....	\$ 14.95	\$ 21.48
89.	Environmental Enforcement Specialist II.....	\$ 16.35	\$ 22.51
90.	Environmental Enforcement Specialist III.....	\$ 17.90	\$ 23.59
91.	Environmental Monitoring Specialist I.....	\$ 13.33	\$ 21.29
92.	Environmental Monitoring Specialist II.....	\$ 14.18	\$ 22.29
93.	Environmental Monitoring Specialist III.....	\$ 15.74	\$ 23.36
94.	Environmental Technician.....	\$ 12.35	\$ 18.56
95.	Family Planning Clerk.....	\$ 9.66	\$ 12.57
96.	Financial Analyst.....	\$ 9.66	\$ 19.69
97.	Financial Counselor.....	\$ 9.66	\$ 20.71
98.	First Press Operator.....	\$ 12.00	\$ 19.76
99.	Fuel System Technician.....	\$ 9.66	\$ 18.30
100.	General Health Aide.....	\$ 9.66	\$ 14.54
101.	General Storekeeper.....	\$ 9.66	\$ 21.83
102.	Geriatric Outreach Worker.....	\$ 9.66	\$ 19.69
103.	Hardware Analyst.....	\$ 14.48	\$ 45.24
104.	Hazardous Material Specialist.....	\$ 21.63	\$ 29.00
105.	Head Cook.....	\$ 9.66	\$ 15.68
106.	Head Storekeeper.....	\$ 9.66	\$ 19.70
107.	Health Educator I.....	\$ 9.66	\$ 17.95

108.	Health Educator II	\$ 9.66	\$ 19.69
109.	Heating Inspector	\$ 14.23	\$ 20.02
110.	Help Desk Analyst	\$ 12.02	\$ 22.50
111.	HIV Educator	\$ 9.66	\$ 11.46
112.	House Connection Inspector	\$ 12.70	\$ 16.74
113.	Housing Inspector	\$ 14.60	\$ 17.82
114.	Human Resources Contract Specialist	\$ 9.73	\$ 27.13
115.	Human Resources On-the-Job Training Specialist	\$ 10.21	\$ 23.07
116.	Human Resources Planner	\$ 10.74	\$ 28.66
117.	Human Resources Special Projects Coordinator	\$ 10.21	\$ 23.07
118.	Income Tax Tracer	\$ 10.04	\$ 15.87
119.	Industrial Hygiene Engineer	\$ 9.73	\$ 27.13
120.	Industrial Nuisance Inspector	\$ 9.66	\$ 17.95
121.	Information Control Analyst	\$ 9.66	\$ 18.79
122.	Inspector of Weight and Measures	\$ 9.66	\$ 16.37
123.	Instrumentation Technician I	\$ 16.87	\$ 19.28
124.	Instrumentation Technician II	\$ 18.83	\$ 21.24
125.	Instrument Repairman	\$ 9.66	\$ 18.98
126.	Intake Specialist	\$ 9.66	\$ 14.54
127.	Job Retraining Assistant	\$ 9.66	\$ 19.69
128.	Junior Cashier	\$ 9.66	\$ 15.08
129.	Junior Chemist	\$ 9.66	\$ 15.71
130.	Junior City Planner	\$ 9.66	\$ 17.95
131.	Junior Civil Engineer	\$ 9.66	\$ 17.95
132.	Junior Clerk	\$ 9.89	\$ 12.57
133.	Junior Draftsman	\$ 9.66	\$ 15.41
134.	Junior Engineering Aide	\$ 9.66	\$ 15.71
135.	Lab Coordinator	\$ 16.82	\$ 23.88
136.	Laboratory Assistant	\$ 9.66	\$ 17.14
137.	Laboratory Helper	\$ 9.66	\$ 13.54
138.	Landscape Architect	\$ 9.66	\$ 25.63
139.	Lead Pressman	\$ 9.66	\$ 19.97
140.	Life Guard	\$ 9.66	\$ 14.35
141.	Life Guard Captain	\$ 10.00	\$ 17.78
142.	Mechanical Engineer	\$ 9.66	\$ 27.13
143.	Messenger	\$ 9.66	\$ 13.54
144.	Meter Reader	\$ 12.82	\$ 17.12
145.	Minority Business Consultant	\$ 11.15	\$ 30.20
146.	Miscellaneous Investigator	\$ 9.66	\$ 16.54
147.	Monitoring, Auditing and Evaluation Coordinator	\$ 13.65	\$ 19.99
148.	Network Analyst I	\$ 14.52	\$ 31.33
149.	Office Machine Operator	\$ 9.89	\$ 13.18
150.	On The Job Training Specialist	\$ 12.71	\$ 19.31
151.	Park and Recreation Planner	\$ 9.66	\$ 25.63
152.	Parking Attendant	\$ 9.66	\$ 14.54
153.	Parking Meter Collector	\$ 9.66	\$ 14.51
154.	Parking Meter Serviceman	\$ 13.62	\$ 15.27
155.	Permit Processing Specialist	\$ 9.66	\$ 12.18
156.	Pharmacist	\$ 10.74	\$ 28.65
157.	Pharmacodependent Rehabilitation Counselor I	\$ 9.66	\$ 13.90
158.	Pharmacodependent Rehabilitation Counselor II	\$ 9.66	\$ 16.42
159.	Photographer	\$ 9.66	\$ 19.69
160.	Photographic Laboratory Technician	\$ 9.66	\$ 17.14
161.	Photo-Litho Operator	\$ 9.66	\$ 15.71
162.	Physical Director	\$ 9.66	\$ 17.71
163.	Plan Examiner	\$ 9.66	\$ 23.42
164.	Play Director	\$ 9.66	\$ 12.41
165.	Police Data Specialist	\$ 9.92	\$ 13.67
166.	Police Radio Technician	\$ 16.38	\$ 18.66
167.	Pressman	\$ 9.66	\$ 19.32
168.	Preventive Health Counselor	\$ 13.59	\$ 20.03
169.	Preventive Health Educator	\$ 9.66	\$ 13.46
170.	Principal Cashier	\$ 9.66	\$ 21.10
171.	Principal Clerk	\$ 11.93	\$ 17.85
172.	Print Shop Helper	\$ 10.61	\$ 13.30
173.	Private Secretary	\$ 9.66	\$ 18.83
174.	Program Analyst	\$ 16.64	\$ 27.30
175.	Programmer	\$ 9.66	\$ 24.33
176.	Programmer Analyst	\$ 9.73	\$ 27.30
177.	Property Clerk	\$ 11.37	\$ 30.22
178.	Psychiatric Social Worker	\$ 12.48	\$ 19.64
179.	Psychologist I	\$ 10.74	\$ 26.12
180.	Psychologist II	\$ 12.88	\$ 30.79

181.	Public Health Nursing Aide	\$ 10.63	\$ 12.55
182.	Public Health Sanitarian I	\$ 12.78	\$ 19.44
183.	Public Health Sanitarian II	\$ 14.35	\$ 20.96
184.	Public Health Sanitarian III	\$ 15.49	\$ 21.78
185.	Public Health Sanitarian IV	\$ 9.66	\$ 26.50
186.	Public Information Officer	\$ 9.66	\$ 20.71
187.	Quality Assurance Analyst	\$ 9.66	\$ 24.32
188.	Quality Control Coordinator	\$ 16.82	\$ 23.89
189.	Radio Dispatcher	\$ 17.33	\$ 18.66
190.	Radio Technician	\$ 16.38	\$ 18.66
191.	Receptionist	\$ 9.66	\$ 13.86
192.	Records Manager	\$ 9.84	\$ 14.53
193.	Recreation Aide	\$ 9.66	\$ 9.69
194.	Recreation Instructor	\$ 9.66	\$ 14.54
195.	Recreation Instructor I	\$ 9.66	\$ 15.49
196.	Recreation Instructor II	\$ 9.66	\$ 16.09
197.	Recreation Instructor III	\$ 9.66	\$ 17.02
198.	Recreation Program Supervisor	\$ 9.66	\$ 15.82
199.	Redevelopment Advisor	\$ 9.66	\$ 21.83
200.	Redevelopment Coordinator	\$ 9.66	\$ 24.33
201.	Refrigeration Inspector	\$ 14.26	\$ 20.02
202.	Refugee Outreach Worker	\$ 9.66	\$ 13.53
203.	Registered Animal Health Technician	\$ 9.66	\$ 14.54
204.	Rehabilitation Advisor	\$ 9.66	\$ 18.83
205.	Rehabilitation Inspector	\$ 14.60	\$ 24.33
206.	Sanitarian Aide	\$ 11.62	\$ 14.11
207.	Second Press Operator	\$ 10.00	\$ 17.68
208.	Secretary	\$ 9.66	\$ 15.71
209.	Secretary to Director of Consumer Affairs	\$ 9.66	\$ 25.63
210.	Senior Assistant Architect	\$ 9.66	\$ 21.83
211.	Senior Assistant City Planner	\$ 9.66	\$ 21.83
212.	Senior Assistant Civil Engineer	\$ 9.66	\$ 21.83
213.	Senior Assistant Electrical Engineer	\$ 9.66	\$ 21.83
214.	Senior Assistant Mechanical Engineer	\$ 9.66	\$ 21.83
215.	Senior Assistant Traffic Engineer	\$ 9.66	\$ 21.83
216.	Senior Bacteriologist	\$ 9.66	\$ 18.83
217.	Senior Cashier	\$ 9.66	\$ 17.95
218.	Senior Chemist	\$ 9.66	\$ 20.71
219.	Senior Clerk	\$ 10.29	\$ 14.74
220.	Senior Computer Operator	\$ 9.66	\$ 24.33
221.	Senior Contract and Monitoring Specialist	\$ 11.34	\$ 25.79
222.	Senior Data Conversion Operator	\$ 10.80	\$ 16.38
223.	Senior Development Officer	\$ 12.63	\$ 31.91
224.	Senior Draftsman	\$ 9.66	\$ 17.61
225.	Senior Engineering Draftsman and Photographer	\$ 9.66	\$ 19.69
226.	Senior Information Control Analyst	\$ 9.66	\$ 20.71
227.	Senior Laboratory Technician	\$ 10.86	\$ 16.02
228.	Senior Landscape Architect	\$ 9.73	\$ 27.13
229.	Senior Site Inspector - Demolition	\$ 9.66	\$ 23.07
230.	Sewer Service Man	\$ 14.99	\$ 17.12
231.	Site Inspector	\$ 9.66	\$ 20.71
232.	Social Worker for Homeless	\$ 13.82	\$ 20.37
233.	Starter (Golf)	\$ 9.66	\$ 12.04
234.	S.T.D. Clerk	\$ 9.66	\$ 11.63
235.	Stenographer I	\$ 9.77	\$ 13.21
236.	Stenographer II	\$ 10.77	\$ 14.74
237.	Stenographer III	\$ 9.66	\$ 16.37
238.	Stock Clerk	\$ 9.66	\$ 16.19
239.	Storekeeper	\$ 9.66	\$ 18.44
240.	Street Obstruction Inspector	\$ 9.66	\$ 17.14
241.	Surveyor	\$ 9.66	\$ 24.33
242.	Tax Auditor I	\$ 10.60	\$ 16.66
243.	Tax Auditor II	\$ 12.41	\$ 18.42
244.	Technical Specialist	\$ 9.66	\$ 20.71
245.	Technical Specifications Writer	\$ 9.66	\$ 21.84
246.	Telecommunications Analyst	\$ 14.53	\$ 38.83
247.	Telephone Operator	\$ 9.66	\$ 15.08
248.	Telephone Supervisor	\$ 9.66	\$ 15.71
249.	Timekeeper	\$ 9.66	\$ 15.71
250.	Traffic Engineer	\$ 9.66	\$ 25.63
251.	Traffic Sign and Marking Technician	\$ 13.68	\$ 15.71
252.	Typist	\$ 9.92	\$ 13.68
253.	Urban Planning and Development Technician	\$ 9.66	\$ 13.68

254.	Utility Adjuster.....	\$ 10.64	\$ 14.74
255.	Vector Control Assistant.....	\$ 9.66	\$ 13.11
256.	Veteran's Counselor.....	\$ 9.66	\$ 17.83
257.	Water Hydraulic Repairman.....	\$ 14.99	\$ 17.12
258.	Water Meter Repairman.....	\$ 14.99	\$ 17.12
259.	Water Pipe Repairman.....	\$ 13.58	\$ 17.12
260.	Water Serviceman.....	\$ 9.66	\$ 14.62
261.	Water System Construction Inspector.....	\$ 15.67	\$ 21.39
262.	Web Content Editor.....	\$ 9.66	\$ 26.44

Section 28. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administrative Officer.....	\$20,092.80	\$ 48,000.35
2. Cable Protection Specialist.....	\$20,092.80	\$ 34,916.09
3. Case Worker Supervisor.....	\$20,092.80	\$ 40,978.30
4. Chief Air Pollution Inspector.....	\$20,092.80	\$ 46,377.15
5. Chief Caseworker Supervisor.....	\$22,426.64	\$ 41,623.16
6. Chief Clerk.....	\$22,050.00	\$ 43,079.97
7. Chief Photographer.....	\$20,092.80	\$ 46,377.15
8. Reserved * moved to Section 14a on 8-11-04.....		
9. Chief Telephone Operator.....	\$20,092.80	\$ 45,337.31
10. Cocaine Treatment Supervisor.....	\$22,426.64	\$ 43,079.97
11. Composing Supervisor.....	\$20,092.80	\$ 39,592.55
12. Consumer Protection Supervisor.....	\$20,092.80	\$ 41,623.16
13. Custodial Worker Supervisor.....	\$20,092.80	\$ 38,287.94
14. Epidemiologist.....	\$40,000.00	\$75,000.00
15. Personnel Analyst I.....	\$21,000.00	\$42,815.94
16. Safety Programs Officer I.....	\$25,000.00	\$60,000.00
17. Safety Programs Officer II.....	\$25,000.00	\$42,000.00
18. Secretary to Board of Examiner of Board of Review (Electrical).....	\$20,092.80	\$36,043.06
19. Secretary - Boxing and Wrestling Commission.....	\$30,573.46	\$32,909.27
20. Superintendent of Maintenance.....	\$23,606.98	\$51,844.45
21. Superintendent of Street Cleaning.....	\$25,967.68	\$42,294.71
22. Superintendent of Waste Collection.....	\$29,508.73	\$51,844.45
23. Supervisor of Income Tax Files.....	\$20,092.80	\$36,043.06
24. Supervisor of Storeroom and Mailing.....	\$20,092.80	\$32,909.27

Section 37. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administrator of Engineering and Planning.....	\$30,214.95	\$101,947.53
2. Airport Chief Engineer.....	\$30,214.95	\$101,947.53
3. Assistant City Comptroller.....	\$41,312.22	\$102,960.00
4. Airport Planning Environmental Officer.....	\$30,214.95	\$ 80,773.81
5. Airport Project Director.....	\$60,000.00	\$124,800.00
6. Air Trade Development Manager.....	\$30,214.95	\$ 94,105.40
7. Assistant Director of Human Resources and Economic Development.....	\$30,214.95	\$101,947.53
8. Budget Administrator.....	\$30,214.95	\$ 94,105.40
9. Chief of Personnel Management.....	\$30,214.95	\$ 94,105.40
10. Comptroller-Airports.....	\$30,214.95	\$101,947.52
11. Data Base Analyst.....	\$30,214.95	\$ 80,773.80
12. Deputy Commissioner of Building and Housing.....	\$30,214.95	\$ 94,105.40
13. Deputy Commissioner of Cleveland Hopkins International Airport.....	\$30,214.95	\$ 94,105.40
14. Deputy Commissioner of Parks, Maintenance and Properties.....	\$30,214.95	\$ 94,105.40
15. Deputy Commissioner of Water.....	\$30,214.95	\$117,520.00
16. Deputy Commissioner of Water Pollution Control.....	\$30,214.95	\$ 94,105.40
17. Environmental Programs Manager.....	\$45,000.00	\$ 79,040.00
18. Executive Commissioner of Public Safety - Operations.....	\$36,590.39	\$128,960.00
19. Executive Commissioner of Public Safety - Projects, Grants and Technology.....	\$36,590.39	\$128,960.00
20. Field Manager.....	\$35,000.00	\$ 53,854.72
21. Fleet Management Data Manager.....	\$30,000.00	\$ 60,500.00
22. GIS/IS Coordinator.....	\$52,000.00	\$ 85,000.00

23.	In-Charge Senior Internal Auditor.....	\$49,500.00	\$ 76,440.00
24.	Labor Relations Manager.....	\$30,214.95	\$101,947.50
25.	Manager of Electric System Operation.....	\$30,214.95	\$ 94,105.40
26.	Manager of Human Resources Monitoring and Evaluation.....	\$30,214.95	\$ 94,105.40
27.	Manager of Marketing.....	\$30,214.95	\$ 94,105.40
28.	Manager of Properties.....	\$30,214.95	\$ 94,105.40
29.	Manager of Public Service Operations.....	\$30,214.95	\$ 94,105.40
30.	Manager of Telecommunications.....	\$30,214.95	\$ 94,105.40
31.	Nurse Practitioner.....	\$45,000.00	\$ 83,200.00
32.	Permit Review Manager.....	\$35,000.00	\$ 59,382.93
33.	Project Leader/Applications.....	\$30,214.95	\$ 80,773.80
34.	Regulatory Compliance Manager.....	\$50,000.00	\$ 88,624.36
35.	Safety Programs Manager.....	\$45,000.00	\$ 79,040.00
36.	Section Chief - Engineering & Construction.....	\$50,000.00	\$ 90,000.00
37.	Software Analyst.....	\$30,214.95	\$ 80,773.80
38.	Superintendent of Electric Transmission and Distribution.....	\$30,214.95	\$ 80,773.80
39.	Supervisor of Computer Operations.....	\$30,214.95	\$ 80,773.80
40.	Supervisor Hardware Evaluation.....	\$30,214.95	\$ 80,773.80
41.	Veterinarian in Charge of Spay and Neuter Clinic.....	\$30,214.95	\$ 80,773.80

Section 40. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Application Delivery Services Manager.....	\$65,000.00	\$ 88,400.00
2. Customer Support Center Manager.....	\$65,000.00	\$ 88,400.00
3. Database Administrator.....	\$39,937.34	\$ 99,469.60
4. Database Coordinator.....	\$30,214.00	\$ 73,493.68
5. Information Technology Electronic Data Processing Auditor.....	\$35,000.00	\$ 72,800.00
6. Information Technology Security Officer.....	\$30,215.00	\$ 73,206.64
7. IT Asset Management Analyst.....	\$25,000.00	\$ 46,800.00
8. IT Asset Management Coordinator.....	\$22,333.00	\$ 70,274.88
9. IT Network and Data Center Operations Manager.....	\$55,000.00	\$ 87,426.00
10. IT Project Manager I.....	\$20,092.80	\$ 55,004.56
11. IT Project Manager II.....	\$22,333.00	\$ 72,354.88
12. IT Quality Assurance and Control Analyst.....	\$20,092.80	\$ 55,004.56
13. IT Telecommunications Analyst I.....	\$30,214.00	\$ 65,173.68
14. IT Telecommunications Analyst II.....	\$30,214.00	\$ 80,773.68
15. IT Telecommunications Technician II.....	\$44,803.00	\$ 66,842.88
16. IT Training Analyst.....	\$38,000.00	\$ 57,200.00
17. IT Training Coordinator.....	\$38,000.00	\$ 67,200.00
18. Network Analyst II.....	\$30,214.00	\$ 81,773.68
19. PC Technician.....	\$25,000.00	\$ 45,000.00
20. Program Manager.....	\$30,214.00	\$ 75,769.20
21. Supervisor Applications Development.....	\$39,937.34	\$ 78,810.44
22. Supervisor of Systems and Technical Support.....	\$55,000.00	\$ 78,000.00
23. Supervisor Quality Assurance.....	\$39,937.34	\$ 78,810.44
24. Supervisor Software Support.....	\$39,937.34	\$ 78,810.44
25. Web Developer.....	\$30,215.00	\$ 75,769.20
26. Web Master.....	\$30,215.00	\$ 90,923.04

Section 3. That the following existing Sections of Ordinance No. 384-03, passed March 10, 2003:

Section 8 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance Nos. 605-03, passed June 10, 2003, 1801-03, passed October 13, 2003, and 1814-04, passed October 4, 2004,

Section 28 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance 1801-03, passed October 13, 2003, Ordinance No. 1501-04, passed August 11, 2004, and Ordinance No. 1814-04, passed October 4, 2004,

Section 37 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, and

Section 40 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, and Ordinance No. 1814-04, passed October 4, 2004, are repealed.

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

Passed April 25, 2005.

Effective April 26, 2005.

Ord. No. 775-05.

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

An emergency ordinance approving the collective bargaining agreement with the International Brotherhood of Electrical Workers, Local 38; and amending Section 19 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Brotherhood of Electrical Workers, Local 38, under the terms contained in File No. 775-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 19 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 19. International Brotherhood of Electrical Workers, Local 38. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Chief Electrical Inspector	\$31,747.58	\$45,442.08
2. Code Enforcement Inspector/Electrical I	\$ 14.83	\$ 21.84
3. Code Enforcement Inspector/Electrical II	\$ 15.66	\$ 23.08
4. Code Enforcement Inspector/Electrical III	\$ 16.49	\$ 24.32
5. Electrical Inspector	\$30,094.45	\$43,075.91

Section 3. That Section 19 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

Passed April 25, 2005.
Effective April 26, 2005.

Ord. No. 776-05.

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

An emergency ordinance approving the collective bargaining agreement with the International Union of Operating Engineers, Local 10; and amending Section 11 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Union of Operating Engineers, Local 10, under the terms contained in File No. 776-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 11 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, is amended to read as follows:

Section 11. International Union of Operating Engineers, Local 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Superintendent of Distribution	\$ 14.77	\$ 23.66
2. Assistant Superintendent of Sewer Maintenance	\$ 14.77	\$ 24.02
3. Chief Meter Reader	\$ 13.26	\$ 18.91
4. Chief Radio Dispatcher-Water	\$ 15.12	\$ 21.48
5. Data Conversion Supervisor	\$ 11.92	\$ 19.11
6. Engineer of Hydraulic Surveys	\$ 18.59	\$ 26.31
7. Meter Reader Supervisor	\$ 14.47	\$ 20.54
8. Sewer Construction Unit Leader	\$ 15.67	\$ 22.56

9.	Sewer Maintenance Unit Leader.....	\$ 14.09	\$ 20.02
10.	Sewer Maintenance Unit Leader Operator.....	\$ 14.09	\$ 20.98
11.	Supervisor of Radio Service.....	\$ 15.13	\$ 22.62
12.	Unit Supervisor.....	\$ 13.29	\$ 21.24
13.	Water Hydraulic Unit Leader.....	\$ 14.09	\$ 20.02
14.	Water Hydraulic Supervisor.....	\$ 15.96	\$ 22.56
15.	Water Meter Department Unit Leader.....	\$ 14.09	\$ 20.02
16.	Water Meter Department Supervisor.....	\$ 15.96	\$ 22.56
17.	Water Pipe Repair Unit Leader.....	\$ 14.09	\$ 20.37
18.	Water Pipe Repair Supervisor.....	\$ 15.97	\$ 22.91

Section 3. That Section 11 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, is repealed.

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

Passed April 25, 2005.

Effective April 26, 2005.

Ord. No. 777-05.

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

An emergency ordinance approving the collective bargaining agreement with the Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO) (Non-Supervisory); and amending Section 24 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Non-Supervisory), under the terms contained in File No. 777-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 24 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, is amended to read as follows:

Section 24. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Non-Supervisory). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accident and Safety Inspector.....	\$ 17.85	\$ 19.85
2. Arborist I.....	\$ 15.58	\$ 17.58
3. Assistant Gardener.....	\$ 12.25	\$ 14.25
4. Cemeteries Maintenance Man I.....	\$ 13.94	\$ 15.94
5. Cemeteries Maintenance Man II.....	\$ 21.67	\$ 23.67
6. Cold Patch and Crack Sealing Worker.....	\$ 15.31	\$ 17.31
7. Crematory and Mausoleum Operator.....	\$ 15.58	\$ 17.58
8. Engineering and Construction Inspector.....	\$ 16.70	\$ 18.70
9. Gardener.....	\$ 15.58	\$ 17.58
10. Ground Maintenance Man.....	\$ 13.94	\$ 15.94
11. Lead Program Assistant.....	\$ 15.13	\$ 17.13
12. Mechanical Handyman.....	\$ 14.54	\$ 16.54
13. Municipal Service Laborer.....	\$ 13.94	\$ 15.94
14. Practical Nurse.....	\$ 13.88	\$ 15.88
15. Radio Operator.....	\$ 15.98	\$ 17.98
16. Real Estate Maintenance Man.....	\$ 14.75	\$ 16.75
17. Sidewalk Inspector.....	\$ 15.26	\$ 17.26
18. Street Permit Supervisor.....	\$ 13.91	\$ 15.91
19. Street Sweeper - Waste Collection.....	\$ 13.56	\$ 15.56
20. Tire Shredder.....	\$ 14.64	\$ 16.64
21. Transfer Station Attendant.....	\$ 18.71	\$ 20.71
22. Waste Collector.....	\$ 13.94	\$ 15.94
23. Waste Collector - Cushman Operator.....	\$ 14.32	\$ 16.32
24. Watchman.....	\$ 11.74	\$ 13.74

Section 3. That Section 24 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003, is repealed.

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

Passed April 25, 2005.
Effective April 26, 2005.

Ord. No. 778-05.

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

An emergency ordinance approving the collective bargaining agreement with the Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Supervisory); and to supplement Ordinance No. 384-03, passed March 10, 2003, by adding new Section 24a relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Supervisory), under the terms contained in File No. 778-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Ordinance No. 384-03, passed March 10, 2003, is supplemented by adding new Section 24a to read as follows:

Section 24a. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Supervisory) That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Field Foreman	\$ 17.71	\$ 19.71
2. Arborist II	\$ 18.02	\$ 20.02
3. Arborist III.....	\$ 20.32	\$ 22.32
4. Assistant Manager of Parks and Urban Forestry.....	\$ 21.94	\$ 23.94
5. Assistant Superintendent of Waste Collection.....	\$ 22.48	\$ 24.48
6. Cemetery Foreman	\$ 17.72	\$ 19.72
7. Cemetery Supervisor	\$ 20.33	\$ 22.33
8. Chief Engineering and Construction Inspector	\$ 22.33	\$ 24.33
9. Chief Horticulturist.....	\$ 26.62	\$ 28.62
10. Cold Patc and Crack Sealing Foreman	\$ 20.44	\$ 22.44
11. District Paving Repair Foreman.....	\$ 27.69	\$ 29.69
12. General Construction Foreman.....	\$ 27.93	\$ 29.93
13. General Shop Foreman	\$ 22.49	\$ 24.49
14. Greenskeeper	\$ 18.40	\$ 20.40
15. Ground Maintenance Crew Foreman.....	\$ 15.05	\$ 17.05
16. Ground Maintenance Foreman.....	\$ 17.38	\$ 19.72
17. Horticulturist	\$ 25.50	\$ 27.50
18. Horticulturist Maintenance Foreman	\$ 19.87	\$ 21.87
19. Labor Foreman	\$ 17.71	\$ 19.71
20. Maintenance Foreman.....	\$ 16.95	\$ 18.95
21. Parking Coordinator	\$ 18.71	\$ 20.71
22. Set-Up Foreman.....	\$ 14.78	\$ 16.78
23. Shop Foreman.....	\$ 17.71	\$ 19.71
24. Street Cleaning District Foreman	\$ 17.71	\$ 19.71
25. Street Maintenance Foreman.....	\$ 17.71	\$ 19.71
26. Street Maintenance General Foreman.....	\$ 22.49	\$ 24.49
27. Waste Collection Foreman	\$ 17.71	\$ 19.71
28. Waste Collection Foreman I.....	\$ 19.44	\$ 21.44
29. Waste Collection Transfer Foreman	\$ 20.16	\$ 22.16
30. Watchman Supervisor.....	\$ 14.70	\$ 16.70

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

Passed April 25, 2005.
Effective April 26, 2005.

Ord. No. 779-05.

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

An emergency ordinance approving the collective bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (Security Officers); and amending Section 14 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (Security Officers), under the terms contained in File No. 779-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 14 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 14. Fraternal Order of Police, Ohio Labor Council, Inc. (Security Officers). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<u>Minimum</u>	<u>Maximum</u>
1. Security Officer.....	\$ 10.80	\$ 18.56

Section 3. That Section 14 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

Passed April 25, 2005.
Effective April 26, 2005.

Ord. No. 780-05.

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

An emergency ordinance approving the collective bargaining agreement with the Plumbers Inspectors, Local 55; and amending Sections 20 and 31 of Ordinance No. 384-03, passed March 10, 2003, as amended, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Plumbers Inspectors, Local 55, under the terms contained in File No. 780-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 20 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance Nos. 1801-03, passed October 13, 2003 and 1814-04, passed October 4, 2004, is amended to read as follows:

Section 20. Plumbers Inspectors, Local 55. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<u>Minimum</u>	<u>Maximum</u>
1. Assistant Chief Plumbing Inspector.....	\$31,747.58	\$45,442.08
2. Code Enforcement Inspector/Plumbing I.....	\$ 14.83	\$ 21.84
3. Code Enforcement Inspector/Plumbing II.....	\$ 15.66	\$ 23.08
4. Code Enforcement Inspector/Plumbing III.....	\$ 16.49	\$ 24.32
5. Plumbing Inspector.....	\$30,094.45	\$43,075.91

Section 3. That Section 31 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003 and 1814-04, passed October 4, 2004, is amended to read as follows:

Section 31. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<u>Minimum</u>	<u>Maximum</u>
1. Airport Maintenance Superintendent.....	\$20,092.80	\$ 57,200.00
2. Assistant Commissioner of Recreation.....	\$20,092.80	\$ 65,005.39
3. Assistant Contract Compliance Officer.....	\$20,092.80	\$ 51,504.26
4. Assistant Director of Public Health Nurses.....	\$20,092.80	\$ 51,504.26
5. Assistant Income Tax.....	\$20,092.80	\$ 51,504.26

6.	Assistant Manager of Audit Control and Personnel.....	\$20,092.80	\$ 53,306.92
7.	Assistant Manager of Recreation.....	\$20,092.80	\$ 51,504.26
8.	Assistant Superintendent of Pumping.....	\$20,092.80	\$ 51,504.26
9.	Assistant Superintendent of Purification.....	\$20,092.80	\$ 51,504.26
10.	Auditor.....	\$20,092.80	\$ 53,306.92
11.	Chief Alcoholism Coordinating Service.....	\$20,092.80	\$ 51,504.26
12.	Chief of the Demolition Bureau.....	\$20,092.80	\$ 51,504.26
13.	Chief Plan Examiner.....	\$20,092.80	\$ 53,306.92
14.	City Planner.....	\$30,000.00	\$ 55,000.00
15.	Deputy Commissioner of Recreation-Fiscal Control.....	\$20,092.80	\$ 65,005.39
16.	Deputy Project Director.....	\$20,092.80	\$ 56,929.60
17.	Desktop Publishing Specialist.....	\$20,231.40	\$ 52,651.21
18.	District Supervisor - Environmental Health.....	\$20,092.80	\$ 55,000.00
19.	Emergency Medical Technician Supervisor.....	\$20,092.80	\$ 53,306.92
20.	Income Tax Supervisor.....	\$20,092.80	\$ 51,504.26
21.	Office of Professional Standards - Investigative Auditor.....	\$20,092.80	\$ 51,504.26
22.	Office of Professional Standards - Standards Research/Analyst.....	\$20,092.80	\$ 51,504.26
23.	Assistant Plumbing Inspector.....	\$20,092.80	\$ 37,301.04
23.	Project Program Director of Consumer Affairs.....	\$20,092.80	\$ 51,504.26
24.	Recreation Center Manager.....	\$32,500.00	\$ 65,005.39
25.	Superintendent of Light Equipment Maintenance.....	\$20,092.80	\$ 51,504.26
26.	Superintendent of Vehicle Administrative Services.....	\$20,092.80	\$ 64,150.91
27.	Supervisor Administrative Services-Data Processing Center.....	\$20,092.80	\$ 51,504.26
28.	Supervisor of Milk Program.....	\$20,092.80	\$ 51,504.26
29.	Supervisor of Vector Control.....	\$20,092.80	\$ 51,504.26
30.	Welfare Liaison.....	\$20,092.80	\$ 51,504.26

Section 4. That Section 20 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance Nos. 1801-03, passed October 13, 2003 and 1814-04, passed October 4, 2004, and Section 31 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003 and 1814-04, passed October 4, 2004, are repealed.

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

Passed April 25, 2005.
Effective April 26, 2005.

Ord. No. 781-05.

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

An emergency ordinance approving the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Chief Dispatcher); and amending Section 14a of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1505-04, passed August 11, 2004, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Chief Dispatcher), under the terms contained in File No. 781-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 14a of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1505-04, passed August 11, 2004, is amended to read as follows:

Section 14a, Ohio Patrolmen's Benevolent Association (Chief Dispatcher). That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Chief Radio Dispatcher.....	\$39,788.00	\$ 43,387.00

Section 3. That Section 14a of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1505-04, passed August 11, 2004, is repealed.

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

Passed April 25, 2005.
Effective April 26, 2005.

Ord. No. 785-05.
By Council Members Jackson, Britt, Lewis, Pierce Scott, Cimperman, Cintron, Zone and Westbrook.
An emergency ordinance consenting and approving the issuance of a permit for the 28th RiteAid Marathon and 10K, on May 22, 2005, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 28 RiteAid Marathon and 10K, sponsored by Cleveland Marathon, Inc. on May 22, 2005, Marathon Route: St. Clair and E. 13th; St. Clair to E. 18th, E. 18th to Lakeside, Lakeside to E. 9th, E. 9th to Erieside, Erieside to Al Lerner Way, Al Lerner Way to W. 3rd, W. 3rd to Lakeside, Lakeside to west bound Shoreway, west bound Shoreway to Edgewater Drive exit, Edgewater Drive to W. 117th, W. 117th to Lake Avenue, Lake Avenue to Clifton east bound Shoreway entrance, east bound Shoreway to W. 45th exit, W. 45th to Franklin, Franklin to Fulton, Fulton to Lorain, Lorain to Carnegie, Carnegie to E. 14th, E. 14th to Euclid, (half Marathon turns on E. 17th to St. Clair, St. Clair to finish line) Euclid to E. 40th, E. 40th to Chester, Chester to Euclid Avenue, Euclid to East Blvd., East Blvd., to MLK, MLK to N. Marginal, N. Marginal to bike path, bike path through State park fishing bridge to E. 55th, E. 55th to S. Marginal, S. Marginal to W. 3rd on ramp, W. 3rd ramp to W.

3rd, W. 3rd to Lakeside, Lakeside to W. 9th, W. 9th to Superior, Superior to W. 3rd, W. 3rd to Lakeside, Lakeside to E. 18th, E. 18th to St. Clair, St. Clair to E. 12th finish; 10K Route: St. Clair & E. 13th; St. Clair to E. 18th, E. 18th to Lakeside, Lakeside to E. 9th, E. 9th to Erieside, Erieside to W. 3rd (around stadium), W. 3rd to Lakeside, Lakeside to west bound Shoreway to ramp, west bound Shoreway to W. 28th exit ramp, W. 28th to Detroit, Detroit too W. 32nd, W. 32nd to Franklin, Franklin to W. 28th, W. 28th to east bound Shoreway on ramp, east bound Shoreway to Lakeside, Lakeside to E. 18th, E. 18th to St. Clair, St. Clair to E. 12th finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 25, 2005.
 Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, May 2, 2005
11:00 a.m.

Employment, Affirmative Action and Training Committee: Present: Lewis, Chair; Conwell, Vice Chair; Coats, Reed, Polensek. *Authorized Absence:* Johnson, Cintron.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Cimperman, Reed, Pierce Scott, Westbrook, White, Gordon. *Pro-tem:* Zone, Lewis.

Tuesday, May 3, 2005
10:00 a.m.

Community and Economic Development Committee: Present: Gordon, Chair; Cimperman, Vice Chair; Coats, Lewis, Zone, Reed, Pierce Scott. *Authorized Absence:* Cintron, Jones.

Wednesday, May 4, 2005
1:30 p.m.

Public Utilities Committee: Present: Coats, Chair; Brady, Vice Chair; Cintron, Kelley, Polensek, Sweeney, Westbrook, Zone, Jones, Reed, Pierce Scott. *Authorized Absence:* Jones.

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

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