

The City Record

Official Publication of the Council of the City of Cleveland



September the Fifteenth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, Secretary.

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President;

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

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

Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities

Director _____; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director;

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

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

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

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

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet 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 Subodh Chandra; Chairman; Finance

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande,

Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, SEPTEMBER 15, 2004

No. 4736

CITY COUNCIL

MONDAY, SEPTEMBER 13, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 13, 2004

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Gwen Love, of Set Free Ministries, 1525 East 219th Street. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1696-04.

From The Greater Cleveland Partnership — "Cleveland on the Edge, Securing our Future NOW". Received.

File No. 1697-04.

From the Commissioner of Purchases and Supplies — Mayor's Emergency Requisitions/Purchase Orders — none for the month of August, 2004. Received.

File No. 1698-04.

From the City of Strongsville — Enterprise Zone Program (The Glidden Company Project), request for State Waiver of Relocation Restrictions. Received.

File No. 1699-04.

From Towards Employment Non-profit Organization — Success magazine. Received.

File No. 1700-04.

From Lutheran Metropolitan Ministry — 2003 Annual Report, Honoring the Past; Celebrating the Future. Received.

File No. 1701-04.

From Manhattan Institute for Policy Research — re: Summer update on the Center for Rethinking Development. Received.

File No. 1702-04.

From the City of Moscow, Idaho — thank you letter for NBC LEO conference in Cleveland. Received.

File No. 1703-04.

From the Department of Public Health — Keeping Rabies out of Cleveland — Bait Dropping Scheduled on September 8 and Free Clinic on September 12. Received.

File No. 1704-04.

From The MidTown Cleveland, Inc. — Annual Report 2003 — Community Collaboration for Economic Revitalization. Received.

File No. 1705-04.

From the Rock and Roll Hall of Fame and Museum — 2003 Annual Report, The Main Attraction. Received.

**FROM DEPARTMENT OF
LIQUOR CONTROL**

File No. 1706-04.

Re: New Application — 6416350 — 974 Parkwood Inc., d.b.a. Al's Market, 974 Parkwood Drive. (Ward 8). Received.

File No. 1707-04.

Re: New Application — 16670940005 — Community Beverage, Inc., 3506 West 105th Street, first floor and basement east portion. Received.

File No. 1708-04.

Re: New Application — 5381285 — MTT, Inc., 10705 Lorain Avenue. (Ward 19). Received.

File No. 1709-04.

Re: Transfer of Ownership Application — 5227929 — Lisa Coast, Inc., 4830 St. Clair Avenue, first floor and basement. (Ward 13). Received.

File No. 1710-04.

Re: Transfer of Ownership Application — 2831198 — 4096, Inc., d.b.a. Chillies Market, 4096-98 East 131st Street. (Ward 2). Received.

File No. 1711-04.

Re: Transfer of Ownership Application — 04049837 — Gail Williams Ballard, 3145 Scranton Road, first floor front. (Ward 14). Received.

File No. 1712-04.

Re: Transfer of Ownership Application — 9804492 — Y. A. Corp., Inc. dba Nikki's Market, 2886 Woodhill Road, first floor and basement. (Ward 4). Received.

File No. 1713-04.

Re: Transfer of Ownership Application — 7196625 — Ramsam, Inc., d.b.a. M. & J. Food, 5474 Broadway Avenue. (Ward 5). Received.

File No. 1714-04.

Re: Transfer of Ownership Application — 5691618 — James McCann, d.b.a. Monterey Grille, 7348 Broadway Avenue, first floor and basement. (Ward 12). Received.

OATH OF OFFICE

File No. 1715-04.

Julius Ciaccia — Director of the Department of Public Utilities. Received.

File No. 1716-04.

John Christopher Nielson — Commissioner of the Division of Water. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1717-04—Joseph "Charlie" Meissner.

Res. No. 1718-04—Anthony L. Cimperman.

Res. No. 1719-04—Michael Angelo Coats.

Res. No. 1720-04—Rosabelle Frost Hollingsworth.

Res. No. 1721-04—Edward Jovon Hester.

Res. No. 1722-04—Ruth Elizabeth Toles Burks.

Res. No. 1723-04—Peggy Rose Purcell.

Res. No. 1724-04 — Velma West Stewart McGraw.

Res. No. 1725-04—Milt Arlow.

Res. No. 1726-04 — Fannie Lue Fleming.

Res. No. 1727-04—James Scott, Jr.

Res. No. 1728-04—Leonard L. Williamson.

Res. No. 1729-04—Reginal A. Doniver.

Res. No. 1730-04 — Sherman Hendricks.

Res. No. 1731-04—Earlie Johnson, Jr.

Res. No. 1732-04 — Daniel T. McCarthy, Jr.

Res. No. 1733-04—David H. Hoag.

Res. No. 1734-04 — Patricia M. McKinnon.

CONGRATULATION RESOLUTIONS

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

Res. No. 1735-04—Cudell Improvement Association.

Res. No. 1736-04 — Dave's Supermarkets.

Res. No. 1737-04—Marous Brothers Construction Company.

Res. No. 1738-04 — University Settlement.

Res. No. 1739-04 — LaProvidencia Family Center.

Res. No. 1740-04—Andy Montanez.

Res. No. 1741-04 — Mt. Zion Congregational Church.

Res. No. 1742-04 — Maureen Hayden.

Res. No. 1743-04—Shea Curtis Urdil.

Res. No. 1744-04—Kres (Slovenian Folklore group).

Res. No. 1745-04—Anthony Maslanka.

Res. No. 1746-04 — Ruby's Delicatessen.

Res. No. 1747-04—Fred Becker.

Res. No. 1748-04—Mila F. Roberts.

Res. No. 1749-04—Lino J. DeAnna.

Res. No. 1750-04 — Adrienne Albright Heinrich.

Res. No. 1751-04—St. Mary's of the Assumption Church.

Res. No. 1752-04—East 90th Street Club.

Res. No. 1753-04 — Buckeye Area Development Corp.

Res. No. 1754-04 — Lee Heights Community Church.

Res. No. 1755-04—Women's Center of Greater Cleveland.

Res. No. 1756-04—Patrolman Alan Thomas Kane.

RECOGNITION RESOLUTIONS

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

Res. No. 1757-04—Alice Ashford.

Res. No. 1758-04 — Kevin Daniel Heard.

Res. No. 1759-04—Brainz.

Res. No. 1760-04 — 350 — formerly known as "The Mobstress".

Res. No. 1761-04—McAdory Cousins Reunion.

Res. No. 1762-04—Derrick Pender.

APPRECIATION RESOLUTION

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

Res. No. 1763-04—Willie C. McMillon, Jr.

WELCOME RESOLUTIONS

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

Res. No. 1764-04 — The National Charleston Day Organization, Inc.

Res. No. 1765-04 — Marian B. Tasco.

Res. No. 1766-04—Anthony A. Williams.

Res. No. 1767-04 — Leo V. Chaney, Jr.

Res. No. 1768-04—Jim Hunt.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1657-04.

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

An emergency ordinance to levy special assessments to construct an amenity strip in the sidewalk and emplacing tree pockets for the purpose of implanting shade trees along the public right-of-way on West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard.

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

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

Section 1. That the assessment of the cost and expense of constructing an amenity strip in the sidewalk and emplacing tree pockets for the purpose of implanting shade trees along the public right-of-way for the purpose of implanting shade trees on West 117th Street from Madison Avenue to approximately 100 feet north of Clifton Boulevard (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 2124-2000, adopted February 12, 2001, and amounting in the aggregate to \$118,785.71, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 1657-04-A, is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement of each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

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

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall

be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

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

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

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

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

Ord. No. 1658-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products and cloth wipers, for the various divisions of City government.

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

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

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

Section 2. That the costs of the

contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104795)

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

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

Ord. No. 1659-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1923-02, passed December 16, 2002, relating to employing one or more professional consultants to develop and conduct functional and technical training on the PeopleSoft Financial Management System and to develop and conduct other IT functional and technical training for a term not to exceed five 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 title and Section 1 of Ordinance No. 1923-02, passed December 16, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to develop and conduct functional training and technical training on the PeopleSoft Financial Management System and to develop and conduct other IT functional and technical training for a term not to exceed five years.

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop functional training and technical training on the PeopleSoft Financial Management System, to conduct such functional training and technical training for all City employees using PeopleSoft Financial Management System in the performance of their job to a level of proficiency required to perform their jobs, and to develop and conduct other IT functional and technical training for a term not to exceed five years.

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

for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.

Section 2. That the title and Section 1 of Ordinance No. 1923-02, passed December 16, 2002, are repealed.

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

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

Ord. No. 1660-04.

By Council Member Jackson (by departmental request).

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

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

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

Section 1. That Section 178.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93, passed February 14, 1994, is amended to read as follows:

Section 178.02 Disposition of Public Monies

(a) All public monies coming under the custody and control of the City Treasurer shall be deposited or invested by the City Treasurer as provided in this chapter. The City Treasurer may retain, however, in the Treasury or in such other offices of the City as may be necessary, such amounts of public money as may be needed in the opinion of the Director of Finance to transact the daily business of the Treasury or such offices.

(b) The City Treasurer shall deposit in active deposits such amounts of public monies as are needed in the opinion of the Director of Finance to provide the needed cash flow to pay City warrants and checks issued and outstanding, and a reasonable surplus in addition to the amount needed to pay such warrants and checks. All public monies of the City not deposited in active deposits or retained pursuant to division (a) of this section shall be invested in accordance with Section 178.12 of this chapter.

(c) Each division of the City receiving public monies shall deposit all public monies coming into its custody or control with an eligible depository on the business day next following the day of receipt if the total amount of such monies received exceeds one thousand dollars. If the total amount of the monies received does not exceed one thousand dollars, the monies

shall be deposited on or before the third business day following the day of receipt. Any division of the City depositing public monies shall report such deposit in writing to the City Treasurer within twenty-four (24) hours of making the deposit.

(d) Before noon of each business day, the City Treasurer shall prepare a sworn statement delineating the total amount deposited in each eligible depository of the City during the preceding day, the number and amount of payment instruments issued on each eligible depository during the preceding business day and such other information as required by the Director of Finance. Copies of the statement shall be furnished to the Commissioner of Accounts and the City Controller. All money paid to the Treasurer shall be paid upon the order or draft of the Commissioner of Accounts and receipts therefor shall be given in duplicate, one of which shall have printed on its face the word "original" and the other, the word "duplicate." The duplicates of receipts for money shall be filed with the Commissioner of Accounts and each receipt shall state the amount received, from whom received and to what fund the same is to be applied.

(e) The City Controller shall maintain the records of the amount of deposits made by the City Treasurer with each eligible depository and instruments issued by the City Treasurer on each eligible depository. The City Controller shall duly certify to the correctness of the City Treasurer's daily sworn statements, prepared in accordance with division (c) of this section, if they are found to be correct upon comparison with their respective books. Such sworn statements shall be kept on file in the office of the City Controller. If any such sworn statement is found to be incorrect, the City Controller shall forthwith give notice of such fact to the City Treasurer and the Director of Finance. After the end of each month, the City Controller shall reconcile the statements of the respective eligible depositories to the City Treasurer's daily statements and the City's accounting records. If the accounting records are found to be incorrect, the City Controller shall forthwith give notice of such fact to the Commissioner of Accounts and the City Treasurer.

(f) The Commissioner of Accounts shall maintain books which will show the cash balance of each fund, and shall issue no warrant payable from any such fund unless there is money belonging thereto for the payment of the warrant in full.

Section 2. That existing Section 178.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93, passed February 14, 1994, is repealed.

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

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

Ord. No. 1661-04.

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

An emergency ordinance to amend Sections 531.01 and 531.50 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances, relating to service installations by the Division of Water and persons authorized to make connections.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 531.01, as amended by Ordinance No. 1329-58, passed September 17, 1958, and

Section 531.50, as enacted by Ordinance No. 63410-A, passed September 22, 1924

are amended to read as follows:

Section 531.01 Service Installations by the Division of Water and Authorized Contractors

All service connections and service pipes from all distribution mains within the metropolitan area to approximately two feet back of the curb line, or proposed curb line, including the stop cock or valve and stop cock or valve box, and the tapping of the main, shall be installed only by properly authorized employees, **contractors** of the Division of Water, acting under the direction of the Commissioner of Water, or **contractors acting under the authority of inter-governmental projects involving the Division of Water, upon the approval by the Commissioner of Water.** Installations shall be made in trenches to be excavated by the applicant, his agent or contractor, or within the City by the Division.

Section 531.50 Persons Authorized to Make Connections

No person other than the properly authorized employees, **contractors** of the Division of Water, acting under the direction of the Commissioner of Water, or **contractors acting under the authority of inter-governmental projects involving the Division of Water, upon the approval by the Commissioner of Water,** shall be permitted to tap or make any connection with the main or distributing pipes of the Division.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 531.01, as amended by Ordinance No. 1329-58, passed September 17, 1958, and

Section 531.50, as enacted by Ordinance No. 63410-A, passed September 22, 1924

are repealed.

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

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

Ord. No. 1662-04.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the construction of the Quigley Road connector; and authorizing the Director of Public Service to enter into any relative agreements.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: The Quigley Road connector, which is part of the Innerbelt Corridor Project, and consists of construction of a roadway on a new alignment connecting the exiting IR-71/SR-176 interchange with West 14th Street to Quigley Road near Holmden Avenue (the "Improvement").

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

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the State 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 4. That on completion of the Improvement, the City will:

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

(b) Maintain the Improvement 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 State 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) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

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

(b) That in the event any additional right-of-way is required for the Improvement the State will arrange for its acquisition.

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

(d) 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, and that the rearrangements shall be done at such time as requested by the State.

(e) 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 and shall be subject to approval by the State.

(f) That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

(g) 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 manual are met.

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

Section 6. That this Council requests the State to proceed with the Improvement.

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

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

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

Ord. No. 1663-04.
By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the Innerbelt curve realignment between Superior Avenue and East 40th Street; and authorizing the Director of Public Service to enter into any relative agreements.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: Innerbelt (IR-90) curve realignment between Superior Avenue and East 40th Street, which is part of the Innerbelt Corridor Project, and consists of the reconstruction of the Lakefront Interchange (the "Improvement").

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

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the State 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 4. That on completion of the Improvement, the City will:

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

(b) Maintain the Improvement 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 State 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) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

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

(b) That in the event any additional right-of-way is required for

the Improvement the State will arrange for its acquisition.

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

(d) 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, and that the rearrangements shall be done at such time as requested by the State.

(e) 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 and shall be subject to approval by the State.

(f) That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

(g) 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 manual are met.

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

Section 6. That this Council requests the State to proceed with the Improvement.

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

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

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

Ord. No. 1664-04.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the replacement of the CSX Railroad Bridge and for the widening of East 55th Street; and authorizing the Director of Public Service to enter into any relative agreements.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: The replacement of the CSX Railroad bridge over East 55th Street and the widening of East 55th Street under the CSX Railroad bridge, which is part of the Innerbelt Corridor Project (the "Improvement").

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

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the State 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 4. That on completion of the Improvement, the City will:

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

(b) Maintain the Improvement 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 State 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) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

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

(b) That in the event any additional right-of-way is required for the Improvement the State will arrange for its acquisition.

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

(d) 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, and that the rearrangements shall be done at such time as requested by the State.

(e) 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 and shall be subject to approval by the State.

(f) That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

(g) 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 manual are met.

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

Section 6. That this Council requests the State to proceed with the Improvement.

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

Section 8. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 1665-04.

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

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

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvements:

1. Carnegie Avenue
2. Cornell Road Bridge
3. Eagle Viaduct demolition
4. Jennings Road
5. Big Creek Watershed improvement

Section 2. That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for bridge and road improvements.

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

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

Ord. No. 1666-04.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into a Local Project Administration agreement with the Ohio Department of Transportation to fund and construct the Bessemer Avenue Extension Phase II project; authorizing the Director of Public Service to enter into one or more contracts with ARCADIS FPS, Inc. for preliminary engineering services for the improvement; 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 the Director of Public Service is authorized to enter into a Local Project Administration ("LPA") Agreement with the Ohio Department of Transportation to fund and construct the Bessemer Avenue Extension Phase II project (the "Improvement").

Section 2. That the Director of Public Service is authorized to enter into one or more contracts with ARCADIS FPS, Inc. for professional services necessary to perform preliminary engineering services on the basis of its revised proposal dated August 4, 2004, in the total sum of \$270,000, for the Department of Public Service.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the Improvement, for the Division of Engineering and Construction, 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 the Director of Public Service is authorized to enter into one or more contracts for the making of the 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 contracts authorized 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 funds received under the Local Project Administration Agreement with the Ohio Department of Transportation authorized by this ordinance and which funds are appropriated for this purpose, Request No. 149311.

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. 1667-04.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into an amendment to Contract No. 62167 with E. G. & G. Inc. to provide the detail design of the Kamm's Corner streetscape improvement project.

Whereas, under Ordinance No. 2457-02, passed March 10, 2003, the Director of Public Service entered into Contract No. 62167 with E.G. & G. Inc. to provide the preliminary design of the Kamm's Corner streetscape improvement project; and

Whereas, additional design services are needed in order to provide the detail design in order to complete the project; 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 Service is authorized to enter into an amendment to Contract No. 62167 with E. G. & G. Inc. to provide the detail design services which are needed in order to complete the Kamm's Corner streetscape improvement project. The amendment will increase the amount of the contract by \$310,656 and shall be paid from Fund No. 10 SF 166, Request No. 113865.

Section 2. That the amendment shall be prepared by the Director of Law and shall contain any necessary terms and conditions that the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 1668-04.
By Council Members Britt 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 elevators at various city health centers, for the Division of Health, Department of Public Health, for a two year period.

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 Health 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 labor and materials necessary to maintain and repair elevators at various city health centers, 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 Health, Department of Public Health. 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 143363)

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 Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 1670-04.
By Council Members Coats, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance to supplement Ordinance No. 2243-03, passed December 15, 2003, by adding new Sections 8a and 8b; and to amend Section 9 of the ordinance relating to the property acquisition, design, and construction of an all weather track and football-field complex in the Collinwood area; and authorizing an agreement with United Way to cooperate in the cost of this project.

Whereas, Ordinance No. 2243-03, passed December 15, 2003, authorized, among other things, the appropriate City officials to acquire property for the construction of an all-weather track and football field complex to be located at East 1050 East 152nd Street; and

Whereas, additional funding for this project has become available to 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 Ordinance No. 2243-03, passed December 15, 2003, is supplemented by adding new Sections 8a and 8b to read as follows:

Section 8a. That the Director of Parks, Recreation and Properties is authorized to accept a cash donation in the amount of \$100,000 from the United Way to implement the improvement.

Section 8b. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with United Way to cooperate in the cost by contributing up to \$100,000 to the City of Cleveland for this project, and those funds are appropriated for this purpose.

Section 2. That Section 9 of Ordinance No. 2243-03, passed December 15, 2003, is amended to read as follows:

Section 9. That the cost of the acquisition of property, professional services, and public improvement shall be paid from Fund No. 20 SF 392 **and from the fund or funds which are credited the money received from United Way authorized by this ordinance for this purpose**, and that the cost of the requirements 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.

Section 3. That existing Section 9 of Ordinance No. 2243-03, passed December 15, 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.

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. 1671-04.
By Council Members Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to the lease with the Ohio Department of Natural Resources for the use of the former Civilian Conservation Corps facility located within Kirtland Park.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an amendment to the lease with the Ohio Department of Natural Resources ("ODNR") to allow for multiple uses of the former Civilian Conservation Corps facility located within Kirtland Park.

Section 2. That this Council acknowledges that the term of the lease is for a period of twenty-five years, commencing October 1, 1997, and Council authorizes one option to renew for an additional twenty-five year period.

Section 3. That the Director of Parks, Recreation and Properties may authorize ODNR to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 4. That the amendment shall be prepared by the Director of Law and shall contain any terms and conditions as he deems necessary to protect and benefit the public interest.

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

Ord. No. 1672-04.
By Council Members Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Third Dunkin' Donuts Realty, Inc. to provide for a ten-year, sixty-five percent tax abatement for certain tangible personal property and inventory as an incentive to construct a central production line for the manufacturing of Dunkin' Donuts products at 4660 Hinckley Industrial Parkway in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Third Dunkin' Donuts Realty, Inc. (the "Enterprise") has proposed to construct a central production line for the manufacturing of Dunkin' Donuts products at 4660 Hinckley Industrial Parkway in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on certain tangible personal property, including new machinery, equipment, furniture, fixtures, and inventory were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty-five percent (65%) tax abatement for certain tangible personal property, including new machinery, equipment, furniture, fixtures, and inventory; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1672-04-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the Director deems necessary to protect the City's interest.

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

Ord. No. 1673-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with ACCELA for professional services necessary to provide maintenance, including all software upgrades, documentation, and technical support, for licensed ACCELA products, for a period of five years, 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 enter into one or more contracts with ACCELA for professional services necessary to provide maintenance, including all software upgrades, documentation, and technical support, for licensed ACCELA products on the basis of its proposal dated September 2, 2004, in the total sum of \$725,000, for the Division of Water, Department of Public Utilities, for a period of five years. The contracts or contracts shall be paid from Fund No. 52 SF 001, Request No. 148736.

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. 1674-04.
By Council Member Jones.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at on East 162nd Street to Janis E. Adams.

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). 141-07-113, as more fully described below, to Janis E. Adams.

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

P. P. No. 141-07-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 376 and 377 in Sorrento Park Subdivision of part of Original Warrensville Township Lots Nos. 72 and 82, as shown by the recorded plat in Volume 15 of Maps, Page 13 of Cuyahoga County Records, and being 50 feet front on the Westerly side of East 162nd Street, and extending back of equal width, 125 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 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. 1675-04.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Central Avenue and East 39th and 40th Streets to Burten, Bell, Carr Development, Inc. 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). 103-31-001, 103-31-002, 103-31-088 and 103-31-025, as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-31-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 113 on Charles N. Norton's Allotment of part of Original Ten Acre Lot No. 44. Said Sublot No. 113 is 30 feet on the Southerly side of Central Avenue, 118-6-1/2/12 feet deep along the Easterly line and 109.96 feet deep on the Westerly line, which is also the Easterly line of Putnam Street (now known as East 38th Street) and 54-1/12 feet in the rear. Said Subdivision is recorded in Volume 3 of Maps, Page 24 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 103-31-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 114 in Charles E. Norton's Allotment of part of Original Ten Acre Lot No. 44. Said Sublot No. 114 is 30 feet on the Southerly side of Central Avenue, 118-6-1/2/12 feet deep on the Westerly line, 124-11/12 feet deep on the Easterly line, and 30-8/12 feet in the rear, all as per plat of said Allotment Records in Volume 3 of Maps, Page 24, of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

P. P. No. 103-31-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 295 in Leonard Case's Subdivision of part of Original Ten Acre Lot Nos. 44, 45, 46 and 47 as shown by the recorded plat of said Subdivision in Volume 8 of Maps, Page 36 of Cuyahoga County Records. Said Sublot No. 295 has a frontage of 50 feet on the Easterly side of East 39th Street (formerly Osborn Street) and extends back 125 feet 3-1/2 inches on the Northerly line, 125 4 -1/2 inches on the Southerly line and has a rear line of 50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 103-31-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 253 in Leonard Case Subdivision of part of Original Ten Acre Lot Nos. 44, 45, 46 and 47, as shown by the recorded plat in Volume 8 of Maps, Page 36 of Cuyahoga County Records, 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. 1676-04.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 76th Street to Paulette Bryant.

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). 118-26-075, as more fully described below, to Paulette Bryant.

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

P. P. No. 118-26-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of Sublot No. 44 in William and Louise Brooker's Allotment of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and being 33 feet front on the Easterly side of East 76th Street, (formerly Brooker Street), and extending back between parallel lines about 167 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to Restrictions of records and Zoning Ordinance, 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. 1677-04.

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 Gregory Taylor.

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, adminis-

tered 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). 119-14-012, as more fully described below, to Gregory Taylor.

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

P. P. No. 119-14-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 12 and 13 in H. and A. Jaynes' Subdivision of part of Original One Hundred Acre Lots Nos. 399 and 407, as shown by the recorded plat in Volume 5 of Maps, Page 24 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows: Beginning at the intersection of the centerline of East 79th Street (formerly East Madison Avenue 50 feet wide) and the center line of Euclid Avenue (80 feet wide); thence Southerly along said centerline of East 79th Street, 470 feet; thence Easterly parallel with the Westerly prolongation of the Northerly line of said Sublot No. 12 to the Easterly line of East 79th Street and the principal place of beginning of the premises herein intended to be described; thence continuing Easterly along a line parallel with the Northerly line of said Sublot No. 12 to a point distant Easterly measured along said line and the Westerly prolongation thereof 193 feet 11 inches from said centerline of East 79th Street; thence Southerly parallel with the centerline of East 79th Street, 40 feet; thence Westerly parallel with the Northerly line of said Sublot No. 12 to the Easterly line of East 79th Street; thence Northerly along the Easterly line of East 79th Street 40 feet to the principal place of beginning, as appears by said plat.

Also subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

tor 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. 1678-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 66th Street to Church of God Militant Pillar and Ground of Truth.

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). 118-05-051, as more fully described below, to Church of God Militant Pillar and Ground of Truth.

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

P. P. No. 118-05-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 51 in the Stevens and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 66th Street (formerly Dunham Avenue), and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 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. 1679-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Lawrence M. Jenkins.

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). 119-05-047 and 119-05-048, as more fully described below, to Lawrence M. Jenkins.

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

P. P. No. 119-05-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 27 feet of Sublot No. 32 and the Northerly 11.5 feet of Sublot No. 33 in Perry H. Babcock's Allotment of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records and together forming a parcel of land having a frontage of 38.5 feet on the Easterly side of East 87th Street (formerly Brookfield Street), and extending back about 169.66 feet on the Northerly line, about 169.83 feet on the Southerly line, and having a rear line of 38.5 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-05-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 12 feet of Sublot No. 31 and the Northerly 23 feet of Sublot No. 32 in P. H. Babcock's Allotment of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records and together forming a parcel of land 35 feet front on the Easterly side of East 87th Street (formerly Brookfield Street) and extending back of equal width 169.56 feet, as appears by said plat.

Also subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1680-04.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Lexington Avenue to Mohammed J. Zachariah.

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). 104-19-034 and 104-19-035, as more fully described below, to Mohammed J. Zachariah.

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

P. P. No. 104-19-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in Luther and Arvilla Moses Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records and being 40 feet front on the Northerly side of Lexington Avenue and extending back of equal width 150 feet deep, be the same more or less, but subject to all legal highways.

P. P. No. 104-19-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 54 in the Luther Moses "et.al." Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records and being 40 feet front on the Northerly side of Lexington Avenue, and extending back between parallel lines 150 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. 1681-04.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Star Avenue to Catherine McCollum.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-04-039, as more fully described below, to Catherine McCollum.

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

P. P. No. 106-04-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 8 in Geo. Sell's Subdivision of part of Original 100 Acre Lot No. 345, as shown by the recorded plat in Volume 14 of Maps, Page 26

of Cuyahoga County Records and bounded and described as follows: Beginning on the Southerly line of Star Avenue, N.E. (formerly Star Avenue) at the Northeasterly corner of said Sublot No. 8; thence Westerly along said Southerly line of Star Avenue, N.E., 33 and 96/100 feet to the Northeasterly corner of land conveyed by George Sell and Sarah E. Sell (husband and wife) to Frank L. Merkel and Helena E. Merkel by deed dated August 1, 1888, and recorded in Volume 437, Page 106 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to said Frank L. Merkel and Helena E. Merkel, 122 and 44/100 feet to the Southerly line of said Sublot No. 8; thence Easterly along said Southerly line of Sublot No. 8, 46 and 93/100 feet to the Southeasterly corner of said Sublot No. 8; thence Northerly along the Easterly line of Sublot No. 8; 124 and 80/100 feet to the place of beginning.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1682-04.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Dionne Whitaker.

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). 104-18-072 and 104-18-073, as more fully described below, to Dionne Whitaker.

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

P. P. No. 104-18-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 in Luther Moses Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Whittier Avenue, N.E., (formerly Sixth Street) and extending back between parallel lines 180 feet deep, 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. 104-18-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Luther Moses Subdivision of part of Original 100 Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Northerly side of Whittier Avenue, Formerly Sixth Avenue, and extending back of equal width 180 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That 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. 1683-04.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1307 East 111th Street 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). 120-03-097, 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. 120-03-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 6, 7 and 8 in Hamilton's Allotment of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 24 of Maps, Page 13 of Cuyahoga Coun-

ty Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 111th Street (formerly Melvin Street) at the Northwesterly corner of land conveyed to Herbert Hamilton by deed dated April 20, 1905 and recorded in Volume 988, Page 455 of Cuyahoga County Records; thence Northerly along the Easterly line of East 111th Street, 41 feet; thence Easterly at right angles with said Easterly line of East 111th Street, to the Westerly line of land conveyed to Lizzie C. Twiggs by deed dated May 31, 1906 and recorded in Volume 1050, Page 98 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Lizzie C. Twiggs about 41 feet to the Northerly line of land so conveyed to Herbert Hamilton by deed as aforesaid; thence Westerly along the Northerly line of land so conveyed to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 1684-04.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 51st Street to Gary Nettgen.

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). 006-23-051, as more fully described below, to Gary Nettgen.

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

P. P. No. 006-23-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 506 and all of Sublot No. 507 in Taylor and Hoyt's Allotment of part of Original Brooklyn Township Lot No. 48, as shown by the recorded plat in Volume 1 of Maps, Page 36 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of West 51st Street, (formerly Beech Street), at the Southwesterly corner of said Sublot No. 507; thence Northerly along the Easterly line of West 51st Street, 45 feet to the Southwesterly corner of land conveyed to William and Anna Gottwald by deed dated September 25th, 1900 and recorded in Volume 762, Page 577 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to William and Anna Gottwald, 125 feet to the Westerly line of West 50th Place; thence Southerly, along said Westerly line of West 50th Place, 45 feet to the Southeasterly corner of said Sublot No. 507; thence Westerly along the Southerly line of Sublot No. 507, 125 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 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 estab-

lished 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. 1685-04.

By Council Member Polensek.
An emergency ordinance designating Oliver Hazard Perry School as a Cleveland landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Oliver Hazard Perry School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on September 9, 2004 to discuss the proposed designation of Oliver Hazard Perry School as a landmark; and

Whereas, the Commission has recommended designation of Oliver Hazard Perry School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Oliver Hazard Perry School whose street address in the City of Cleveland is 18400 Schenely Avenue, N. E., also known as Cuyahoga County Auditor's Permanent Parcel Number 114-04-001, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 1686-04.

By Council Member Cimperman.
An emergency ordinance authorizing the Director of Public Service to issue a permit to The Federal Reserve Bank of Cleveland to encroach into the right-of-way of Superior Avenue, Rockwell Avenue and East 6th Street with federally mandated security devices for "stand off" and "crash" protection of the facility.

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, and assignable by the Permittee with the written consent of the Director of Public Service to The Federal Reserve Bank of Cleveland, P.O. Box 6387, Cleveland, Ohio 44101-1387 for the construction, use, and maintenance of security devices which will encroach into the public right-of-way of Superior Avenue N.E., Rockwell Avenue N.E. and East 6th Street.

Section 2. That said security devices will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with the plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a building permit, shall be obtained before said security devices are constructed.

Section 3. That the permit herein authorized shall reserve right of ingress and egress to the City of Cleveland and that said Permit shall require the Permittee to provide Commercial General Liability Insurance and that the Permittee shall pay any applicable taxes and assessments due and owing on the permitted encroachment area.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 5. 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. 1669-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Attorney General's Office for funding for communications and intelligence equipment; and authorizing the director to enter into a contract with Nextel to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$28,000, from the U.S. Attorney General's Office to provide funding for communications and intelligence equipment; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the granting document for the grant contained in the file described below.

Section 2. That the granting document for the grant, File No. 1669-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Nextel to implement the grant as described in the file.

Section 5. That the cost of the contract or contracts shall be paid 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.

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

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

Ord. No. 1687-04.

By Council Member Britt.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with InterAct Cleveland for the InterAct Hunger Center program in order to carry out the public purpose of providing meals to disadvantaged residents of the City of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

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

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with InterAct Cleveland for the InterAct Hunger Center program in order to carry out the public purpose of providing meals to disadvantaged residents of the City of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

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

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

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

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

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

Ord. No. 1688-04.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of City Planning Commission to enter into a grant agreement with ArtSpace/Cleveland for a Live/Work Space Feasibility Study in order to carry out the public purpose of promoting commercial and residential development through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of City Planning Commission is authorized to enter into a grant agreement with ArtSpace/Cleveland for a Live/Work Space Feasibility Study in order to carry out the public purpose of promoting commercial and residential development through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,000 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1694-04.

By Council Member Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Community United Head Start and Day Care to stretch one banner in front of 4600 Carnegie, for the period from September 21, 2004 to October 20, 2004, inclusive, publicizing a recruitment drive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Community United Head Start and Day Care to install, maintain and remove one banner in front of 4600 Carnegie, for the period from September 21, 2004 to October 20, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1695-04.

By Council Member White.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to John Adams Core Group to hang flags on the eastside and westside of the island; pole numbers listed below, for the period from September 14, 2004 to October 13, 2004, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland,

Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the John Adams Core Group to install, maintain and remove flags from the eastside of the island, Pole #'s 539562, 539568, 539170, 539573, 539574, 539575, 539578, 539580, 539584; and the westside of the islands, Pole #'s 539562, 539563, 539567, 513736, 513735, 513734, 539572, 210420, 210404, 342885, 514273, 337499, 806110, 806111, 806977, 108828, for the period from September 14, 2004 to October 13, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1689-04.

By Council Member Coats.

An emergency resolution declaring the need for greater homeless funding and health care and related supportive services by the United States government; the need for collaboration between the Veterans Administration and community organizations; the need for affordable housing development and community development; and the need for job training and technical assistance that will assist in transitioning homeless veterans.

Whereas, America's veterans deserve our gratitude for their service and our assistance; and

Whereas, veterans are twice as likely to be among the chronically homeless; and

Whereas, one study revealed that eighty-one percent (81%) of America's homeless veterans suffer from serious psychiatric or substance abuse disorders and thirty-three percent (33%) suffer from both; and

Whereas, this study also revealed that forty-six percent (46%) of homeless veterans assessed in 2001 were African Americans, in contrast to eleven percent (11%) in the general veterans population, indicating that African American veterans are over four (4) times more likely to be homeless than other veterans; and

Whereas, America's homeless veterans face many challenges; and

Whereas, veterans are disproportionately represented among homeless men and existing programs and resources are inadequate; and

Whereas, the National Survey of Homeless Service Providers and Clients reports that fifty-seven percent (57%) of homeless veterans have sought needed health care from the Veterans Administration; and

Whereas, The Veterans Administration is shifting from inpatient to outpatient services and such shift does not appear to be in the best interests of America's homeless veterans; and

Whereas, minority community based providers may welcome the opportunity to provide services to homeless veterans, but there is a need for collaboration between these providers and the Veterans Administration; and

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

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

Section 1. That this Council hereby declares the need for greater homeless funding and health care and related supportive services by the United States government; the need for collaboration between the Veterans Administration and community organizations; the need for affordable housing development and community development; and the need for job training and technical assistance that will assist in transitioning homeless veterans.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown, Congressman Steven LaTourette, the Executive Director and Board of the National League of Cities, the Executive Director and Board of the National Black Caucus of Local Elected Officials, and the Executive Director of the Ohio Municipal League.

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

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

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

Res. No. 1690-04.

By Council Member Johnson.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit at 2886 Woodhill Road, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the

transfer of ownership of a C2 and C2X Liquor Permit from 2886 Woodhill Rose, Inc., 2886 Woodhill Road, 1st floor and basement, Cleveland, Ohio 44104, Permanent Number 9116630 to Ya Corp, Inc., DBA Nikkis Market, 2886 Woodhill Road, 1st floor and basement, Cleveland, Ohio 44104, Permanent Number 9804492; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from 2886 Woodhill Rose, Inc., 2886 Woodhill Road, 1st floor and basement, Cleveland, Ohio 44104, Permanent Number 9116630 to Ya Corp, Inc., DBA Nikkis Market, 2886 Woodhill Road, 1st floor and basement, Cleveland, Ohio 44104, Permanent Number 9804492; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

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

Res. No. 1691-04.

By Council Member Johnson.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3218 East 135th Street, and repealing Resolution No. 1218-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Permit to 3218 East 135th Street by Resolution No. 1218-04 adopted by the Council on June 14, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 3218 Sophie, Inc., DBA Eastside Groceries, 3218 East 135th Street, Cleveland, Ohio 44120, Cleveland, Ohio 44120, Permanent Number 8871284 be and the same is hereby withdrawn and Resolution No. 1218-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 1692-04.

By Council Members Polensek, Brady, Britt, White, Gordon, Westbrook, Coats, O'Malley, Jackson, Cimperman, Cintron, Conwell, Dolan, Johnson, Jones, Lewis, Reed, Rybka and Sweeney.

An emergency resolution opposing the intended relocation of the Glidden Company from the City of Cleveland to Strongsville and opposing the Glidden Company's application to the State of Ohio for a personal property tax exemption.

Whereas, it has come to this Council's attention that the Glidden Company intends to relocate its operations from the City of Cleveland to

property located in the City of Strongsville; and

Whereas, the Glidden Company's intended relocation will cause Cleveland to lose the Company's corporate headquarters and its 415 employees; and

Whereas, the Glidden Company has applied for a personal property tax exemption from the State of Ohio; and

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

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

Section 1. That this Council hereby opposes the intended relocation of the Glidden Company from the City of Cleveland to Strongsville and opposes the Glidden Company's application to the State of Ohio for a personal property tax exemption.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to the Thomas P. Perciak, Mayor of Strongsville, Eugene P. Magocky, Strongsville Director of Economic Development, Donald C. Batke, Strongsville Director of Finance, Kenneth A. Kraus, Strongsville Law Director, and Bruce Johnson, Director of Development, State of Ohio.

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

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

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

Res. No. 1693-04.

By Council Member Westbrook.

An emergency resolution opposing an increase in truck size and weight on United States highways and supporting an increased use of freight railroad transportation as an effective solution to highway congestion and poor air quality and to improve quality of life.

Whereas, trucking lobbyists want federal law to allow triple-trailer trucks over 100 feet long and weighing up to 135,000 pounds to be able to drive on federal highways throughout the country; and

Whereas, bigger, heavier trucks are harder to steer and more likely to suffer brake failure and runaway crashes; the longer the truck, the greater the chance of rollover and jackknifing; at highway speeds, the back end of a triple trailer truck can swing back and forth, endangering traffic in adjoining lanes; and in an emergency, truck drivers have virtually no control over a third trailer; and

Whereas, bigger, longer trucks, combined with the U.S.'s increasing amount of freight that must be transported, will worsen an already severe national problem with deteriorating, crowded highways and

will exacerbate the nation's bridge problem - 30% of the nation's bridges are structurally deficient or functionally obsolete; and

Whereas, GO21 is a non-profit, public interest organization whose goals are to reduce traffic congestion, motor vehicle emissions and costly wear and tear on our nation's highways by counteracting the effort to allow triple-trailer trucks and promoting increased use of freight rail transportation; and

Whereas, how our nation's freight is transported directly impacts our quality of life - the strength of our economy and the number of available jobs; the safety of our highways; the amount of traffic congestion we encounter; the prices we pay for everything from household goods to electricity; the air we breathe; and the efficient use of our tax dollars; and

Whereas, rail intermodal is the fastest growing segment of the U.S. freight railroad industry, combining the long haul efficiency of rail with the door-to-door convenience of trucks; and

Whereas, one intermodal train can carry 280 truck trailers which is the equivalent of more than 1000 automobiles in terms of highway congestions; and

Whereas, rail moves a ton of freight more than 400 miles on just one gallon of fuel, thus reducing harmful air pollutants by 6 to 12 times; and

Whereas, rail is the "preferred mode" for hauling hazardous materials because of fewer spills and accidents; and

Whereas, according to the American Association of State Highway and Transportation Officials, rail investments are an efficient use of tax dollars, providing as much as a 12 to 1 return on investment; and

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

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

Section 1. That this Council hereby opposes an increase in truck size and weight on United States highways and supports an increased use of freight railroad transportation as an effective solution to highway congestion and poor air quality and to improve quality of life.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to the appropriate members of Ohio's Congressional delegation.

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED**Ord. No. 1462-04.**

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept funds from the United States of America and the State of Ohio to reimburse Cleveland for costs incurred by the various City departments as a result of the severe weather and storm damages in our area during the period of May 16 to June 21, 2004.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED**Res. No. 1463-04.**

By Council Member Jackson (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2005 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.

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

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

LAID ON THE TABLE**Ord. No. 1002-04.**

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

An emergency ordinance to amend Section 1 of Ordinance No. 823-79, passed June 11, 1979, relating to giving consent of the City of Cleveland for rehabilitation of eleven bridges to the Director of Transportation of the State of Ohio and authorizing the Director of Public Service to enter into agreements relative thereto.

Without Ordinance No. 1002-04 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 1002-04 Laid on the table.

Council Member Roosevelt Coats entered the meeting.

MOTION

By Council Member Sweeney, seconded by Council Member Reed and unanimously carried that the absence of Council Members Sabra Pierce Scott and Matthew Zone be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:11 p.m. to meet on Monday, September 20, 2004 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 8, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 8, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.

Absent: Director Huth.
Others: Myrna Branche, Commissioner, Purchases and Supplies.
Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 495-04.

By Director Baker.
Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of August, 2004 in the amount of \$10,974.94, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.
Nays: None.

Absent: Director Huth.

Resolution No. 496-04.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the bid of Gene Ptacek & Son Fire Equipment, for an estimated quantity of labor and materials necessary to refill, repair and replace fire extinguishers, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on May 14, 2004, under the authority of Ordinance No. 2023-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to One Hundred Fourteen Thousand Two Hundred Seventy and 60/100 Dollars (\$114,270.60) (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 146190, 120286, 130230 & 154615
which shall be certified against such contract in the sum of Twen-

ty-One Thousand Five Hundred and 00/100 Dollars (\$21,500.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Huth.

Resolution No. 497-04.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the bid of Utility Truck Equipment, Inc. for an estimated quantity of 60' aerial devices, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on June 17, 2004, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to Two Hundred Thirteen Thousand Nine Hundred Ninety and 00/100 Dollars (\$213,990.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 153906
which shall be certified against such contract in the sum of Two Hundred Thirteen Thousand Nine Hundred Ninety and 00/100 Dollars (\$213,990.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.
Nays: None.

Absent: Director Huth.

Resolution No. 498-04.

By Director Mok.
Whereas, under Ordinance No. 710-95 passed by the City of Cleveland Council on June 12, 1995 and Board of Control Resolution No. 730-02, adopted November 6, 2002, the City, through its Director of Port Control, was authorized to enter into City Contract No. 60408 with The Center for Airport Management LLC ("Consultant") to provide professional services necessary for the enhancement and development of the Concession Program Phase I-III for the Division of Cleveland Hopkins International Airport, Department of Port Control; and

Whereas, although Consultant's proposal anticipated providing such services in three phases, because of

budgetary constraints in 2003, the City, through Resolution No. 730-02 only authorized Consultant to perform Phase I services for a fee of \$310,000.00; and

Whereas, the Department of Port Control has available additional funding and desires to have Consultant perform the Phase II services for a fee of \$187,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to the agreement between the City of Cleveland and The Center for Airport Management, LLC, City Contract No. 60408, to include professional services necessary for the enhancement and development of the Concession Program, Phase II, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The amount to be paid for these additional services shall not exceed One Hundred Eighty-Seven Thousand and 00/100 Dollars (\$187,000.00), increasing the total contract to an amount not to exceed Four Hundred Ninety-Seven Thousand and 00/100 Dollars (\$497,000.00) for completion of Phase II services.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultant by The Center for Airport Management, LLC, is approved:

<u>Subconsultant</u>	<u>Amount</u>
NBBJ, Inc.	20.5% \$102,000.00

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Huth.

Resolution No. 499-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 2380-02, passed by the Council of the City of Cleveland on December 16, 2004, as amended by Ordinance No. 468-04, passed on April 26, 2004, the firm of Ricondo & Associates, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to prepare planning studies for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Ricondo & Associates, Inc. based upon its March 12, 2004 proposal, for a term of two years with one two-year option to renew, exercisable by the Director of Port Control, which contract shall be prepared by the Director of Law, and shall provide for rendering professional services as stated in the proposal, for a fee not to exceed Two Hundred Thousand and 00/100 Dol-

lars (\$200,000.00) for the first year of services and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultants by Ricondo & Associates, Inc. is approved:

<u>Subconsultants</u>	<u>Amount</u>
<u>DBE/MBE/FBE %</u>	
Central Engineering, Inc. MBE — 10%	\$20,000.00
Robert P. Madison, International MBE — 10%	\$20,000.00
Van Auken Akins Architects, LLC FBE — 5%	\$10,000.00

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Huth.

Resolution No. 500-04.

By Director Ricchiuto.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of anti-freeze/coolant (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on July 15, 2004, pursuant to the authority of Ordinance No. 1976-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Fifty Two Thousand Ninety and no/100 Dollars (\$52,090.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 153917 which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Huth.

Resolution No. 501-04.

By Director Watson.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby direct-

ed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial number listed to the right of the respective officer's name:

	<u>Serial No.</u>
Patrick Andrejczak	9MM, 5943 VYY5895
Kevin Berry	9MM, 5943 TFK5448
David Borden	9MM, 5946 VJD4683
Brian Brinker	9MM, 5943 VHM0445
Leroy Brinkhoff	9MM, 5943 TFL6716
Michael Budny	9MM, 5943 VHN9288
Doug Campion	9MM, 5903 TCZ2371
David Carroll	9MM, 5943 THA0765
Raymond Chipgus	9MM, 5943 VAK6576
Todd Clemens	9MM, 5943 VHN9219
Brian Crisman	9MM, 5943 VCT2612
Edwin Cuadra	9MM, 5943 THA0705
Juan DeJesus	9MM, 5943 TVA6932
Glenn Detrick	9MM, 5943 VAK6325
Dale Dvorak	9MM, 5943 TVA6961
Elberth Egglemeyer	9MM, 5943 VYY5232
Joseph Escano	9MM, 5946 VJD4902
Arthur Fantroy	9MM, 5943 VAK6529
Alex Farkas	9MM, 5943 VYY5880
Scott Ford	9MM, 6906 TCV9479
John Fore	9MM, 5943 TVH4940
Vonetta Fountain	9MM, 5943 TFK5073
Charles Gibson	9MM, 6906 TCT2409
Anthony Goolsby	9MM, 5943 TVA7004
Stephanie Hall	9MM, 5943 THA0713
Lynn Hampton	9MM, 5943 TYR4794
John Hupka	9MM, 5943 THA0739
Joseph Joyce	9MM, 5943 TVH4829
Shawn Knieriem	9MM, 5943 VTB0328
John Kraynik	9MM, 5943 VYY5901
Charles Krokey	9MM, 5903 TCZ2290
Michael Legg	9MM, 5943 VHM0319
Arthur Littell	9MM, 5943 TVY4785
Thomas Lucey	9MM, 6096 TCV8970
Michael Maliszewski	9MM, 5943 VCR6094
Todd Marazzi	9MM, 5946 TDU6043
Richard Martinez	9MM, 5943 VYY5230
Patricia McAndrew	9MM, 5943 TVB0459
Brian Messer	9MM, 5943 VED5946
Jonathon Moran	9MM, 5943 VCR1887
Norman Nahra	9MM, 5943 VHM0331
Raymond Pagor	9MM, 5903 TPC9362
Arline Pollard-	
Naboulsi	9MM, 5943 VYY5226
Robert Retzer	9MM, 5943 TVA6968
Kristin Riley	9MM, 5943 VHN9287
Joseph Rini	9MM, 5943 VCT2618
Michael Rinkus	9MM, 5946 TDU5122
Tim Russell	9MM, 5903 TCZ2172
Jose Sabala	9MM, 5943 VHM0439
Guy Sako	9MM, 5943 TFK5222
Jeffrey Scullin	9MM, 5943 VHM0438
Joseph Sedlak	9MM, 5943 VED5631
Clarence Senn	9MM, 5943 VHM0396
Bruce Sieniawski	9MM, 5903 TCZ2282
Lawrence Smith	9MM, 5943 VHM0313
Michael Staskevich	9MM, 5943 VHM0446
Charles Teel	9MM, 5946 VJD4633
Ralph Tescar	9MM, 5943 TFK4890
Thomas Tube	9MM, 5946 VJC9464
Stephen Warshaw	9MM, 5903 TCZ2176
Thomas Wise	9MM, 5943 TFK5130
Stephen Yoo	9MM, 5943 TFK4900
Frank Zagami	9MM, 5943 VYY5869

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Huth.

Resolution No. 502-04.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland that under authority of Ordinance No. 2151-03 passed by the Council of the City of Cleveland December 15, 2003, Larsen Architects is selected from a list of qualified consultants available for employment after a canvass

by the Director of Parks, Recreation & Properties as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City to provide the professional services necessary to complete the Kenneth L. Johnson Recreation Center Outdoor Pool and Waterslide Improvements for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties.

Be it further resolved that the Director of Parks, Recreation & Properties is authorized to enter into a contract with Larsen Architects, based upon its proposal dated May 18, 2004, for a total cost not to exceed Ninety-Nine Thousand and 00/100 Dollars (\$99,000.00), consisting of a lump sum fee of Eighty-Nine Thousand and 00/100 Dollars (\$89,000.00) and reimbursable expenses not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00), which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Larsen Architects is approved:

Subcontractor	Amount	Percentage
Sandhu & Associates (MBE)	\$8,000	8.08%
I. A. Lewin & Associates	\$8,000	8.08%
Braun-Prenosil Associates, Inc.	\$8,000	8.08%
Designor Pools	\$4,100	4.14%

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Huth.

Resolution No. 503-04.

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

Whereas, City has acquired Permanent Parcel No. 109-10-083 under said Land Reutilization Program; and

Whereas, Ordinance No. 1537-04 passed August 11, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Greater Mt. Olivet Church of God has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1537-04 passed August 11, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Greater Mt. Olivet Church of God for the sale and development of

Permanent Parcel No. 109-10-083, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.
Nays: None.

Absent: Director Huth.

Resolution No. 504-04.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 110-21-138 located at 11414-16 Durant Avenue, N.E. in Ward 9; and

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

Whereas, Vance Benton, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Vance Benton for the sale and development of Permanent Parcel No. 110-21-138 located at 11414-16 Durant Avenue, N.E., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.
Nays: None.

Absent: Director Huth.

Resolution No. 505-04.

By Director Williams.

Resolved, by the Board of Control of the City of Cleveland that the bid of Getco, Inc., for an estimated quantity of underground storage tanks removal for the Department of Building and Housing for the period of one (1) year beginning with the execution of a contract, received on July 1, 2004, pursuant to the authority of Ordinance No. 252-04, passed April 26, 2004, which on the basis of the estimated quantity would amount to Two Hundred Twelve Thousand Five Hundred Dollars and 00/100 (\$212,500.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Building and Housing is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 147101 which shall be certified against such contract in the sum of (\$212,500.00) Dollars.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Fumich, Taylor and Acting Director Vilkas.
Nays: None.

Absent: Director Huth.

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, SEPTEMBER 27, 2004

9:30 A.M.

Calendar No. 04-143: 2202 Broadview Road (Ward 15)

Speedway SuperAmerica, owner c/o John Dzwonczyk, appeals to construct a combined service station/convenient store, consisting of an approximate 77' x 51' one-story, 3,000 s/f building, proposed to be situated on an approximate 160' x 120' corner lot in a Local Retail Business District and a One-Family District on the northeast corner of Broadview Road and West 22nd Street at 2202 Broadview Road; subject to the residential limitations of Section 337.02, a service station is not permitted in a One-Family District and is contrary to Section 343.01 for Local Retail Business Districts, being first permitted under Section 343.11(b)(2)(I)(5) in a General Retail Business District; and contrary to Section 352.09, less than the required 8' wide transition strip is provided between the Local Retail and One Family Districts; and contrary to Section 350.14(e) a gas station pole sign of 166 s/f is proposed and the maximum permitted is 100 s/f; and as proposed, a free-standing sign is within the R.O.W. and it is required to be 3' from the R.O.W. as stated in Section 350.14(c) of the Codified Ordinances.

Calendar No. 04-209: 3131 Warren Road (Ward 20)

William J. Bett, owner, appeals to erect a 16' x 11' open porch to the front of a 25' x 25' single family dwelling, situated on a 40' x 130' lot in a Multi-Family District on the east side of Warren Road at 3131 Warren Road; contrary to the Regulations for Yards and Courts, an 11' projection is proposed, where an open porch may not project more than 6' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 04-211: 4925 State Road (Ward 16)

St. John of Kronstadt Orthodox Church, owner c/o Reverend Anatol Siegien, and Michael Wroblewski, agent, appeal to convert an existing 40' x 101' one-story, 4,065 s/f storage building to a new use as a church, situated on an approximate 157' x 773' lot where there is an existing assembly/banquet hall and parking lot in a Semi-Industry District and a General Industry District on the east side of State Road at 4925 State Road; the proposed church and parking lot being less than a 15' distance from a Residence District to the south and subject by reference to be regulated in a One-Family District, where a church and accessory uses are permitted, if located not less than 15' from any adjoining premises in a Residence District as stated in Section 337.02(e)(1), of the Codified Ordinances.

Calendar No. 04-212: 1537 East 31st Street (Ward 13)

Pak Su Lui, owner, appeals to erect a 6' x 15' one and a half, frame bedroom addition to an exist-

ing two-story frame dwelling house, situated on a 30' x 132' lot in a Two-Family District on the east side of East 31st Street at 1537 East 31st Street; contrary to Section 355.05 of the Area Requirements, a lot size of 2,478 s/f is proposed, in excess of the 1,980 s/f that is the one-half square footage for the allowable lot size; and contrary to Sections 357.09(b)(2)B and 357.09(b)(2)A, an interior side yard of 1.8" is provided where 3' is required and an estimated 4' distance is provided from a main building on an adjoining lot and 10' is required; and subject to the provisions for Nonconforming Uses, the Board of Zoning Appeals approval is required for the expansion of an existing nonconforming building as stated in Section 359.04 of the Codified Ordinances.

Calendar No. 04-213: 11500 St. Clair Avenue (Ward 9)

David Ali, owner, appeals to install a free-standing business sign for a service station situated on a corner lot in a General Retail Business District at the southeast corner of St. Clair Avenue and East 115th Street at 11500 St. Clair Avenue; contrary to Sections 350.14(b) and (c), a 27.3' height is proposed and a maximum height of 25' is allowed and no distance is proposed from the front property line for the location of the sign and a minimum distance of 3' from the front property line is required; and the proposed sign measures 123 s/f contrary to the Sign Regulations, where each service station shall be permitted one permanent, free-standing business sign, with a total sign face area of the panel or panels not exceeding 100 s/f as stated in Section 350.14(e)(1) of the Codified Ordinances.

Calendar No. 04-222: 3149 West 31st Street (Ward 14)

Carmen Rivera, owner, appeals to erect a 10' x 23' wolmanized wooden wheelchair ramp to the front of an existing two-story, one family dwelling on a 34' x 134' parcel in a Two-Family District on the east side of West 31st Street at 3149 West 31st Street; contrary to Sections 357.09(b)(2)B and 357.13(b)(4) of the Yards and Courts Requirements, an interior side yard of 3' is required where 18" is provided and as proposed, instead of being 10' from the street line, the wheelchair ramp extends to within 4' of the street line; and an open porch shall not project more than 6' and a 10' projection is provided; and the expansion of an existing, nonconforming interior side yard requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, SEPTEMBER 13, 2004

At the meeting of the Board of Zoning Appeals on Monday, September 13, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-197: 15700 Lakeshore Boulevard

Montlack Realty appealed to expand an existing nonconforming auto repair use in a Shopping Center District; subject to conditions.

Calendar No. 04-200: 1598 East 85th Street

Louise Jennings appealed to install a 4' high chain link fence a the front and along the north side of as single family dwelling house in a Two-Family District.

Calendar No. 04-201: 7925 Elton Avenue

Ernest Shinault appealed to install 379 s/f of 4' high chain link fence with 4 gates to enclose an irregular shaped corner lot and a single family dwelling in a Two-Family District.

Calendar No. 04-207: 3358 Rocky River Drive

Mark Cassidy appealed to install an oval access with two driveways at the front of a single family dwelling in an A1 One-Family District; subject to conditions.

Calendar No. 04-125: 14300 Miles Avenue

Michael Sudman, owner, and Cathy Eaton, Tenant, appealed to change use from an auto repair garage to auto wrecking and auto parts sales a one-story masonry building on an acreage parcel in a Semi-Industry District; subject to conditions.

Calendar No. 04-131: 271 East 156th Street

Doreen Mitchell appealed to change use from a store to a day care the first floor and basement of a two-story brick building in a Local Retail Business District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 04-196: 4603-05 West 130th Street

Nick Fedorchuk appealed to change use from a barber shop to a machine shop in the first floor of a mixed use building in a General Retail Business District.

The following appeals were **Postponed:**

Calendar No. 04-199: 2186 West 98th Street postponed to October 4, 2004.

Calendar No. 04-179: 4257 East 71st Street postponed to October 18, 2004.

In Executive Session on September 13, 2004, the following appeals heard by the Board on September 7, 2004 were adopted or approved.

The following appeals were **Approved:**

Calendar No. 04-192: 10710 Wade Park Avenue

Ralland Miller appealed to erect a 30' x 42' wolmanized wooden deck to the rear of a one family dwelling in a Limited One Family District.

Calendar No. 04-194: 515 Euclid Avenue
OSF Properties appealed to construct a 34,944 s/f, 10-story parking garage in a General Retail Business District.

Calendar No. 04-198: 3817 Martin Luther King, Jr. Drive
The Cleveland Municipal School District appealed to erect a 225,688 s/f, three-story public high school in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 04-190: 14211-35 Kinsman Road
Tarmee LLC appealed to construct a 3,500 s/f retail store and gas station in a Local Retail Business District.

In Executive Session on September 13, 2004, the following appeal dismissed by the Board on August 23, 2004 was reinstated:

Calendar No. 04-171: 8211 Platt Avenue
Lawrence Lane appealed to change the use of a one-story building from a grocery store to an office in a Local Retail Business District and a Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of September 8, 2004

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

* * *

Docket A-117-03.

RE: Appeal of Knights Center Corporation, Owner of the Property located on the premises known as 840 Huron Road from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 29, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled at the request of the Fire Prevention Bureau.

* * *

Docket A-59-04.

RE: Appeal of Wilbur E. Kellon Sr. C/O Y-Vonne Cawthon, Owner of the Bar/Five Dwelling Units Three Story Masonry Property located on the premises known as 11239 Superior Avenue from a NOTICE OF VIOLATIONS — COMMERCIAL MAINTENANCE/ELECTRICAL/PLUMBING of the Director of the Department of Building and Housing, dated May 12, 2004, requiring compliance with the Codified Ordinances of the City

of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to acquire a permit to immediately go in and cleanup the property and demo as the Appellant finds necessary; to require that the Appellant prepare professional plans for the required abatement of the Violation Notice; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Appellant will with that permit have free access to the building to do the work that is required. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-71-04.

RE: Appeal of Yolanda Green, Owner of the Two & One/half Story Wood Frame Property located on the premises known as 955 Parkway Avenue (a.k.a. 953-55 Parkway Avenue) from a VACATE ORDER/14 DAY FIRE CONDEMNATION ORDER — MS, of the Director of the Department of Building and Housing, dated July 7, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and ninety (90) days in which to abate the violations; the property is to remain vacant until the City signs off on the permits, and to require that the vehicle be removed from the property within the next seven (7) days; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-74-04.

RE: Appeal of Sutton Builders, Owner of the Property located on the premises known as 777 Starkweather Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated July 15, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits, noting that the Appellant intends to comply with the requirements of the City. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-76-04.

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Parking

Garage located on the premises known as 93rd Street Parking Garage from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated July 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to approve the installation of the proposed elevator, noting the concurrence of the Department of Building and Housing and the compliance with the proposed revisions of the Ohio Elevator Code. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-77-04.

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Property located on the premises known as 9601 Euclid Avenue (Heart Tunnel) from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated July 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to approve the installation of the proposed elevator, noting the concurrence of the Department of Building and Housing and the compliance with the proposed revisions of the Ohio Elevator Code. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-81-04.

RE: Appeal of Tom Leneghan, Owner of the Property located on the premises known as 806 Literary Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated June 24, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-81-04 has been POSTPONED; to be rescheduled for September 22, 2004.

* * *

Docket A-87-04.

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Property located on the premises known as 9500 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required to delete the smoke dampers in the common shafts, noting that the shafts are sheet metal

in both directions; that the building is proposing corridor smoke detectors as an added safety feature, and that there are smoke partitions in the spaces and that there is a smoke detector shutdown sequence in the area and the units to stop the flow of smoke when it is detected at the unit. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

EXTENSION OF TIME:

Docket A-13-04 — West Shore Realty, Inc. — 11201 St. Clair Avenue (a.k.a. 11201-11 St. Clair Avenue):

A motion is in order at this time to DENY the Appellant's request for an "Extension of Time", and to REMAND the property at 11201 St. Clair Avenue (aka 11201-11 St. Clair Avenue) to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-14-04—Henry Thomas.
- A-75-04—American National.
- A-78-04—Bob Raines/John Carney.
- A-79-04—Norm Muskal & Simon Munk.
- A-80-04—Nathaniel Gomez.
- A-83-04—STL Housing LLC.
- A-84-04—MRN LTD.
- A-85-04—City of Cleveland.
- A-86-04—City of Cleveland.

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

* * *

APPROVAL OF AMENDED RESOLUTION:

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

Docket A-64-04 — Keith Ferrell — 938 East 123rd Street:

FROM: . . . REMAND the property at 938 East 123rd Street to the Department of Building and Housing for supervision and any required further action, noting the Appel-

lant's failure to participate in the hearing and the apparent problems with the premises

TO: . . . to permit the project to be completed without the installation of a sprinkler system, recognizing that it preceded substantially prior to that requirement with the provision that in addition to the hardwired sprinklers are smoke detectors system be installed in the store room units with announcement or alarming throughout the corridors of the dwelling units

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

* * *

APPROVAL OF MINUTES:

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

August 25, 2004

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

* * *

Secretary

PUBLIC NOTICE

NOTICE

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

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

September 15, 2004

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, September 29, 2004
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, September 29, 2004, at

1:30 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 1525-04.

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

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPHERMAN
Chairman
Committee on City Planning

September 15, 2004 and September 22, 2004

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, SEPTEMBER 22, 2004

Wireless Data Device Services, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 2224-03, passed by the Council of the City of Cleve-

land, December 15, 2003, amending Ordinance No. 1714-02, passed by the Council of the City of Cleveland, September 16, 2002.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, SEPTEMBER 16, 2004, AT 10:30 A.M., INFORMATION TECHNOLOGY & SERVICES, CONFERENCE ROOM, 205 ST. CLAIR AVENUE, CLEVELAND, OHIO 44113.

Manholes, Castings and Covers, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1257-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING THURSDAY, SEPTEMBER 16, 2004 AT 11:00 A.M., INFORMATION TECHNOLOGY & SERVICES, CONFERENCE ROOM, 205 ST. CLAIR AVENUE, CLEVELAND, OHIO 44113.

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

Fiber Optic Cable and Hardware, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1257-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING THURSDAY, SEPTEMBER 16, 2004 AT 11:30 A.M., INFORMATION TECHNOLOGY & SERVICES, CONFERENCE ROOM, 205 ST. CLAIR AVENUE, CLEVELAND, OHIO 44113.

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

PVC Conduit, Fittings and Accessories, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1257-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING THURSDAY, SEPTEMBER 16, 2004 AT 12:00 P.M., INFORMATION TECHNOLOGY & SERVICES, CONFERENCE ROOM, 205 ST. CLAIR AVENUE, CLEVELAND, OHIO 44113.

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

September 8, 2004 and September 15, 2004

THURSDAY, SEPTEMBER 23, 2004

Purchase of New Tires, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 1970-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, SEPTEMBER 16, 2004, AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

September 8, 2004 and September 15, 2004

FRIDAY, SEPTEMBER 24, 2004

Labor & Materials Necessary to Repair or Replace Fire Hydrants and Appurtenances (Area A), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1002-03, passed by the Council of the City of Cleveland, June 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, SEPTEMBER 16, 2004, AT 2:00 P.M., DIVISION OF WATER — DISTRIBUTION & MAINTENANCE, 2ND FLOOR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

September 8, 2004 and September 15, 2004

THURSDAY, OCTOBER 7, 2004

Manholes, Castings, Pullboxes and Grating, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY** PRE-BID MEETING WEDNESDAY, SEPTEMBER 22, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 8, 2004 and September 15, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, September 13, 2004 2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney Vice Chair; Brady, Britt, Coats, Gordon, Reed, Westbrook, White. *Authorized Absence:* O'Malley, Pierce Scott.

Wednesday, September 15, 2004 1:30 p.m.

City Planning (Zoning) Committee: Present Planning: Cimperman, Chair; Rybka, Vice Chair; Lewis, O'Malley, Westbrook. *Authorized Absence:* Conwell, Pierce Scott.

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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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Woodhill Rd., 2886 — transfer — liquor permit (F 1712-04)	1792
Woodhill Rd., 2886 — transfer — objection — liquor permit (R 1690-04)	1806

Ward 05

Bessemer Avenue Extension Phase II project — Local Project Administration agreement — Ohio Department of Transportation (O 1666-04)	1797
Broadway Ave., 5474 — transfer — liquor permit (F 1713-04)	1792
Central Ave. & E. 39th & E. 40th Sts. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 1675-04)	1799
Chaney, Jr., Leo V. — welcome (R 1767-04)	1792
Coats, Michael Angelo — condolence (R 1719-04)	1792
Community United Head Start and Day Care — banner — recruitment drive (O 1694-04)	1805
Dave's Supermarkets — congratulation (R 1736-04)	1792
E. 76th St. — Land Reutilization Program — Paulette Bryant (O 1676-04)	1800
Hunt, Jim — welcome (R 1768-04)	1792
Marous Brothes Construction Company — congratulation (R 1737-04)	1792
Tasco, Marian B. — welcome (R 1765-04)	1792
The National Charleston Day Organization, Inc. — welcome (R 1764-04)	1792
University Settlement — congratulation (R 1738-04)	1792
Williams, Anthony A. — welcome (R 1766-04)	1792

Ward 06

Buckeye Area Development Corp. — congratulation (R 1753-04)	1792
E. 79th St. — Land Reutilization Program — Gregory Taylor (O 1677-04)	1800
East 90th Street Club — congratulation (R 1752-04)	1792
InterAct Cleveland — grant agreement — InterAct Hunger Center program — NEF (O 1687-04)	1805

Ward 07

E. 66th St. — Land Reutilization Program — Church of God Militant Pillar and Ground of Truth (O 1678-04)	1801
E. 87th St. — Land Reutilization Program — Lawrence M. Jenkins (O 1679-04)	1801
Lexington Ave. — Land Reutilization Program — Mohammed J. Zachariah (O 1680-04)	1802
Ruby's Delicatessen — congratulation (R 1746-04)	1792
Star Ave. — Land Reutilization Program — Catherine McCollum (O 1681-04)	1802
Whittier Ave. — Land Reutilization Program — Dionne Whitaker (O 1682-04)	1802

Ward 08

Fleming, Fannie Lue — condolence (R 1726-04)	1792
Mt. Zion Congregational Church — congratulation (R 1741-04)	1792
Parkwood Dr., 974 — new application — liquor permit (F 1706-04)	1792

Ward 09

E. 111th St., 1307 — Land Reutilization Program — Northeastern Neighborhood Development Corporation (O 1683-04)	1803
Stewart McGraw, Velma West — condolence (R 1724-04)	1792

Ward 10

Collinwood area — all weather track and football-field complex — supplement Ord. No. 2243-03 (O 1670-04)	1797
Hendricks, Sherman — condolence (R 1730-04)	1792
Johnson, Jr., Earlie — condolence (R 1731-04)	1792

Ward 11

Kres (Slovenian Folklore group) — congratulation (R 1744-04)	1792
Oliver Hazard Perry School — Cleveland Landmark (O 1685-04)	1804
St. Mary's of the Assumption Church — congratulation (R 1751-04)	1792

Ward 12

Broadway Ave., 7348 — transfer — liquor permit (F 1714-04)	1792
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Ward 13

Arlow, Milt — condolence (R 1725-04)	1792
ArtSpace/Cleveland — grant agreement — Live/Work Space Feasibility Study — NEF (O 1688-04).....	1805
Cimperman, Anthony L. — condolence (R 1718-04).....	1792
CSX Railroad Bridge (replacement) — East 55th Street (widening) — Ohio Department of Transportation (O 1664-04).....	1796
Hayden, Maureen — congratulation (R 1742-04)	1792
Innerbelt curve realignment — Ohio Department of Transportation (O 1663-04).....	1795
Kane, Patrolman Alan Thomas — congratulation (R 1756-04)	1792
Kres (Slovenian Folklore group) — congratulation (R 1744-04)	1792
McMillon, Jr., Willie C. — appreciation (R 1763-04).....	1792
Quigley Road connector — construction — Ohio Department of Transportation (O 1662-04).....	1794
St. Clair Ave., 4830 — transfer — liquor permit (F 1709-04)	1792
The Federal Bank of Cleveland — right-of-way — federally mandated security devices — “stand off” and “crash” protection (O 1686-04).....	1804

Ward 14

LaProvidencia Family Center — congratulation (R 1739-04).....	1792
Scranton Rd., 3145 — transfer — liquor permit (F 1711-04)	1792
W. 51st St. — Land Reutilization Program — Gary Nettgen (O 1684-04).....	1803

Ward 15

Maslanka, Anthony — congratulation (R 1745-04)	1792
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Ward 17

Cudell Improvement Association — congratulation (R 1735-04)	1792
LaProvidencia Family Center — congratulation (R 1739-04).....	1792
Meissner, Joseph “Charlie” — condolence (R 1717-04)	1792
Montanez, Andy — congratulation (R 1740-04)	1792
Purcell, Peggy Rose — condolence (R 1723-04).....	1792
Women's Center for Greater Cleveland — congratulation (R 1755-04).....	1792

Ward 18

Albright Heinrich, Adrienne — congratulation (R 1750-04)	1792
Becker, Fred — congratulation (R 1747-04)	1792
Cudell Improvement Association — congratulation (R 1735-04)	1792
DeAnna, Lino J. — congratulation (R 1749-04)	1792
Hoag, David H. — condolence (R 1733-04)	1792
McCarthy, Jr., Daniel T. — condolence (R 1732-04)	1792
Meissner, Joseph “Charlie” — condolence (R 1717-04)	1792
Roberts, Mila F. — congratulation (R 1748-04)	1792
W. 117th St. — levy special assessments — construct an amenity strip — sidewalk and emplacing tree pockets — shade trees (O 1657-04)	1792

Ward 19

Cudell Improvement Association — congratulation (R 1735-04)	1792
Lorain Ave., 10705 — new application — liquor permit (F 1708-04)	1792
Purcell, Peggy Rose — condolence (R 1723-04)	1792
W. 105th St., 3506 — new application — liquor permit (F 1707-04)	1792

Ward 20

Kamm's Corner streetscape improvement project — amendment to Contract No. 62167 — E.G. & G. Inc. (O 1667-04)	1797
McKinnon, Patricia M. — condolence (R 1734-04)	1792
Uridil, Shae Curtis — congratulation (R 1743-04)	1792
W. 130th St. (west side) — from Sprecher Ave. to Crossburn Ave. change the zoning — Local Retail Business Use District (O 1525-04)	1813

Water Division

ACCELA — contracts — software upgrades, documentation, and technical support (O 1673-04)	1799
Nielson, John Christopher — oath of office — Commissioner of the Division of Water (F 1716-04)	1792
Service installations by the Division of Water — persons authorized to make connections — amend Sections 531.01 and 531.50 (O 1661-04)	1794

Welcome

Chaney, Jr., Leo V. (R 1767-04)	1792
Hunt, Jim (R 1768-04)	1792
Tasco, Marian B. (R 1765-04)	1792
The National Charleston Day Organization, Inc. (R 1764-04)	1792
Williams, Anthony A. (R 1766-04)	1792

Zoning

W. 130th St. (west side) — from Sprecher Ave. to Crossburn Ave. change the zoning — Local Retail Business Use District (O 1525-04)	1813
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