

The City Record

Official Publication of the Council of the City of Cleveland



May the Eleventh, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane

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

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

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

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

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

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

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

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

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

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

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

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

Teresa M. Beasley; Councilman Martin J. Sweeney.

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

Director Julius Ciaccia; Council President Frank G. Jackson.

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

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

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

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

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

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

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

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, MAY 11, 2005

No. 4770

CITY COUNCIL

MONDAY, MAY 9, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 9, 2005

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

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Johnson, Kelley, Lewis, Rybka, Sweeney, Westbrook and Zone.

Also present were Chief of Staff Ronayne, Chief Operating Officer Brown and Directors Beasley, Baker, Mok, Ricchiuto, Watson, Rush, Williams, Routen, Huth, Fumich, Johnson, Appolito, Brown, Johnson, and Margreat Jackson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Jose Marrero of the Hispanic Pastors Association. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 2372-04-E.

Response from property owners objecting to Resolution No. 2372-04 — assessment notice: The Richard E. Jacobs Group, Inc., Ulmer Berne, LLP representing CAC Building Properties, LLC. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 930-05.

Re: New Application — 6562945 — Ontlo, Inc., d.b.a. Ontario Lounge, 2053 Ontario Street, first floor only. (Ward 13). Received.

File No. 931-05.

Re: Transfer of Ownership Application — 4447799 — Kall Enterprises, Inc., 5474 Broadway, first floor. (Ward 5). Received.

PLATS

File No. 793-05.

Wellington Place for Mt. Pleasant Now Development Corporation — subdivision plat. (Ward 3).
Approved by Committees on Public Service and City Planning.

CONDOLENCE RESOLUTION

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

Res. No. 932-05—William P. Jones, Jr.

CONGRATULATION RESOLUTIONS

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

Res. No. 933-05—Patricia Kelly.

Res. No. 934-05 — Andrew Paul Martin, III.

Res. No. 935-05 — Ruby Helen Starks.

RECOGNITION RESOLUTION

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

Res. No. 936-05—Sharron Murphy-Williams.

APPRECIATION RESOLUTIONS

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

Res. No. 937-05—Teen Summit — New Day in Hough.

Res. No. 938-05—Moorehouse Colledge — New Day in Hough.

Res. No. 939-05—Choral Groups for the Gospel Fest New Day in Hough.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 889-05.

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

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 41st Street from Schiller Avenue to Archmere Avenue.

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

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

Section 1. That the assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 41st Street from Schiller Avenue to Archmere Avenue (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 350-04, adopted March 8, 2004, and amounting in the aggregate to \$135,190.30, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 889-05-A is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement fifty percent (50%) 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. 890-05.

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

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 88th Street from Clark Avenue to Denison Avenue.

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

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

Section 1. That the assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 88th Street from Clark Avenue to Denison Avenue (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 351-04, adopted March 8, 2004 and amounting in the aggregate to \$201,358.94, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 890-05-A is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement fifty percent (50%) 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. 891-05.

By Council Member Westbrook (by request).

An emergency ordinance to vacate a portion of West 89th Street.

Whereas, under Resolution No. 542-04, adopted May 17, 2004, this Council declared its intention to vacate a portion of West 89th Street; and

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

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

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

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

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

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

West 89th Street (50 feet wide) extending Southerly from the Southerly line of Willard Avenue (60 feet wide) to the Easterly prolongation of the Northerly line of Keith Court N.W. (12 feet wide).

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

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

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

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

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

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

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

Ord. No. 892-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of fire and extended insurance coverage for various locations, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of three years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: fire and extended insurance coverage for various locations within the Division of Cleveland Public Power for a period of three years, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Department of Public Utilities.

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

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. 153636.

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

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

Ord. No. 893-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to install or repair underground miscellaneous duct line, streetlighting bases, and pull boxes, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153634)

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

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

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

Ord. No. 894-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to clean and test insulators, bushing and lighting arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153635)

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

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

Ord. No. 895-05.**By Council Members Westbrook and Jackson (by departmental request).****An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 57531 with Independence Excavating Inc., for construction of Abram Creek, for the Department of Port Control.**

Whereas, Ordinance No. 1685-03, passed September 22, 2003, authorized the Director of Port Control to enter into a subsidiary agreement to City Contract No. 57531 with Independence Excavating Inc; and

Whereas, an additional subsidiary agreement is necessary in order to complete Contract No. 57531; 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 Port Control is authorized to make the following alterations and modifications in Contract No. 57531 with Independence Excavating Inc. for the construction of Abram Creek, for the Department of Port Control:

ABRAM CREEK
INDEPENDENCE EXCAVATING, INC.
CONTRACT #57531
SUBSIDIARY AGEEMENT — SCHEDULE OF ITEMS

1. Excavation and Embankment (Stockpile L to Area 6A/6B)	\$404,400.00
2. Stabilize Area 6B	\$45,684.23
3. Environmental Contingency Related to SWP3 Compliance	\$177,820.00
Total Subsidiary Additions:	\$627,904.23
 % INCREASE OF CONTRACT	 1.16%

Original Contract Price	\$49,293,266.98	
First Subsidiary Addition	<u>+ 4,818,000.00</u>	Ord. No. 1685-03, passed 9-22-03
Revised Contract Amount	\$54,111,266.98	
 Revised Contract Amount	 \$54,111,266.98	
Additions this subsidiary	<u>+ 627,904.23</u>	
TOTAL REVISED CONTRACT AMOUNT	\$54,739,171.21	

which alteration has been recommended in writing by the Director of Port Control, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract amount, as revised under 1685-03, passed September 22, 2003, in the sum of \$627,904.23, payable from Fund Nos. 60 SF 122, 60 SF 128, and 60 SF 119.

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

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

Ord. No. 896-05.**By Council Members Westbrook, Cimperman, and Jackson (by departmental request).****An emergency ordinance determining the necessity of the emergency expansion of Continental Airlines Inc.'s baggage make-up area and of the security checkpoint at Concourse C at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into an agreement with Continental Airlines Inc. for the design and installation of the improvements.**

Whereas, in 2002, the U.S. Department of Transportation, Transportation Safety Administration ("TSA") mandated the upgrade to security checkpoint entrance to the three concourses at Cleveland Hopkins International Airport ("Hopkins Airport"); and

Whereas, Continental Airlines Inc. ("Continental") had the expertise to complete the design and installation of the new security checkpoint within the time frame mandated by the TSA; and

Whereas, the TSA has authorized the installation of additional security equipment in the baggage make-up area of Continental Airlines at Hopkins Airport; and

Whereas, the additional security equipment will assist in screening bags more effectively and efficiently; and

Whereas, the equipment to be provided by the TSA must be installed no later than Fall, 2005 and that improvements are needed to the airport terminal facilities in order to accommodate the security equipment and modifications to the security checkpoint; and

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

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

Section 1. That this Council determines that the emergency expansion of Continental's baggage make-up area and the security checkpoint at Hopkins Airport is necessary to protect the public health, safety and

welfare of passengers using the airport terminal. Therefore, this Council authorizes the Director of Port Control to enter into an agreement with Continental for the design and installation of the improvements at Hopkins Airport. Consistent with legislation previously passed by this Council relating to expansion and improvements of facilities at Hopkins Airport, the Director of Port Control shall include in the agreement authorized by this ordinance a requirement that Continental Airlines, Inc. use best efforts to meet the following employment goals: For all design and construction contracts, 30% minority business enterprises and 10% female business enterprises, and for new construction hires, 20% City of Cleveland residents.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, any from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the pro-

ceeds from the sale of any airport revenue bonds issued for a purpose which include this project, Request No. 133203.

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

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

Ord. No. 897-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Waste Water System; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating the Waste Water System in order to comply with the findings and orders of the Ohio EPA, for the Department of Port Control, 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 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, any from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which include this project, Request No. 150568.

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

Ord. No. 898-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into a concession agreement for the operation of a private car service at Cleveland Hopkins International Airport, for a period of two years, with one option to renew for an additional 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, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into a concession agreement on the basis of competitive proposals, for the operation of a private car service for transportation from Cleveland Hopkins International Airport for a period not to exceed two years, with one option to renew for an additional two-year period. The selection of the concessionaire shall be made by the Board of Control on the nomination of the Director of Port Control.

Section 2. That the agreement authorized by this ordinance shall be prepared by the Director of Law.

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

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

Ord. No. 899-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide quality assurance and surveying services for projects not related to airport expansion, for a period of two years.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide quality assurance and surveying services for projects not related to airport expansion, for a period of two years, on an as-needed basis, for the various divisions of the Department of Port Control.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 150569.

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

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

Ord. No. 900-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide general engineering services, for a period of two years.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide general engineering services, for a period of two years, on an as-needed basis, for the various divisions of the Department of Port Control.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 150570.

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

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

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

Ord. No. 901-05.
By Council Members Sweeney, Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of installing improvements on Dock 32 which will include safety and utility improvements and construction of a pedestrian boardwalk; authorizing the Directors of Public Service or Utilities, as appropriate, to enter into one or more public improvement contracts to construct the improvement; authorizing the Director of City Planning to amend Contract No. 62683 with SmithGroup JJR to complete the Phase II design of the boardwalk; and authorizing the Directors of City Planning, Public Service, or Public Utilities, as appropriate, to employ one or more professional consultants necessary to produce final Lakefront Plan documentation and to design the improvements on Dock 32.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing improvements on Dock 32 which will include safety and utility improvements, for the Departments of Public Service and Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the utility and safety improvements on Dock 32.

Section 2. That the Directors of Public Service or Public Utilities, as appropriate, are authorized to enter into one or more contracts for the making of the improvements on Dock 32 which will include safety and utility improvements, 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 improvements on Dock 32 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 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a pedestrian boardwalk, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the pedestrian boardwalk improvement.

Section 4. That, provided the City issues and sells general obligation in 2005, which include this purpose, the Director of Public Service is

authorized to enter into one or more contracts for the making of the pedestrian boardwalk improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the pedestrian boardwalk improvement, provided, however, that each separate trade and each distinct component part of the pedestrian boardwalk 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 Director of City Planning is authorized to enter into an amendment to Contract No. 62683 with SmithGroup JJR to authorize modifications to the contract in order to complete the design of the Phase II improvements to the pedestrian boardwalk.

Section 6. That the amendment shall be prepared by the Director of Law.

Section 7. That the Director of City Planning 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 produce final documentation for the Lakefront Plan.

Section 8. That the Directors of City Planning, Public Service, or Public Utilities, as appropriate, are 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 design the improvements to Dock 32.

Section 9. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Directors of City Planning, Public Service, or Public Utilities, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Directors of City Planning, Public Service, or Public Utilities, as appropriate, for the purpose of compiling lists. 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 Directors of City Planning, Public Service, or Public Utilities, as appropriate, and certified by the Director of Finance.

Section 10. That the cost of the contracts and contract amendments authorized in this ordinance shall be paid from Fund No. 20 SF 457, except for the construction of the pedestrian boardwalk authorized in Sections 3 and 4 of this ordinance which shall be paid entirely from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued in 2005 which include this purpose, Request No. 112365.

Section 11. 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, Public Utilities, City Planning Commission, Finance, Law; Committees on Public Service, Public Utilities, City Planning, Finance.

Ord. No. 902-05.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Marshall Parking LLC to encroach into the public right-of-way of West Lakeside Avenue to construct, install, use, and maintain a parking lot and street improvements; and repealing Ordinance No. 1083-99, passed June 14, 1999, relating to an encroachment permit.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Marshall Parking LLC to encroach into the public right-of-way of West Lakeside Avenue to construct, install, use, and maintain a parking lot and street improvements at the location more fully described as follows:

LEGAL DESCRIPTION/SOUTH RAMP PCL. "A" PUBLIC AREA

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

Beginning at the intersection of the Centerlines of West Lakeside Avenue (99 feet wide) (formerly Lakeside Street) and West 6th Street (99 feet wide) (formerly Bank Street);

Thence South 34°-05'-25" East along the centerline of West 6th Street, 49.50 feet to the easterly prolongation of the southerly line of West Lakeside Avenue;

Thence South 55°-59'-00" West along the easterly prolongation of the southerly line of West Lakeside Avenue, 14.50 feet to the principal point of beginning of the premises herein described;

Thence along the arc of a curve deflecting to the left, an arc of 54.36 feet, said curve having a radius of 40.45 feet and a chord that bears North 70°-59'-20" West, 50.36 feet to a point;

Thence South 68°-27'-38" West, 75.52 feet to a point;

Thence South 71°-57'-05" West, 8.19 feet to a point;

Thence South 68°-35'-45" West, 184.09 feet to a point on the north-westerly line of West Lakeside Avenue;

Thence South 55°-59'-00" West along the northwesterly line of West Lakeside Avenue, 250.35 feet to a point;

Thence South 34°-03'-55" East, about 75.00 feet to a point on the westerly prolongation of the southerly curb line of West Lakeside Avenue;

Thence easterly along said westerly prolongation and the southerly curb line of West Lakeside Avenue to its intersection with the south-easterly line of West Lakeside Avenue;

Thence easterly along said line to the principal point of beginning be the same more or less, but subject to all legal highways.

Description approved by Gregory J. Esber, Acting Section Chief Plats, Surveys and House Numbers.

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

Section 2. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroaching structures.

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachments permitted.

Section 4. That the Permit shall reserve to the City reasonable right of entry to the encroachment location.

Section 5. That Ordinance No. 1083-99, passed June 14, 1999, is repealed.

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

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

Ord. No. 903-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the U.S. Department of Health and Human Services for the Moms First Program; and authorizing contracts with various entities to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate of \$8,000,000, and any other funds that may become available during the grant term from the U.S. Department of Health and Human Services to conduct the Moms First Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 903-05-A made a

part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various entities for implementation of the program, as described in the file, and that the contracts are payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 904-05.

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

An emergency ordinance authorizing the Directors of Public Health and Community Development to enter into contracts with various agencies to provide AIDS-related services, in conjunction with the HOPWA 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 Directors of Public Health and Community Development, as appropriate, are authorized to enter into one or more contracts with various agencies to provide AIDS-related services in conjunction with Housing Opportunities for People With AIDS (HOPWA) Grant, under File No. 904-05-A, and in addition, the sum of not more than \$24,600.00 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program. Any agency that receives funds under this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work.

Section 2. That the Director of Public Health and the Director of Community Development are authorized to enter into a memorandum of understanding for this legislation under the terms authorized by this legislation.

Section 3. That the costs of the contracts authorized above are appropriated for costs of the Depart-

ment of Public Health incurred from Fund 13 following the appropriate federal regulations and shall not exceed \$902,000 and shall be paid from Fund Nos. 13 SF 238 and 13 SF 978, Request No. 149508.

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

Referred to Directors of Public Health, Community Development, Finance, Law; Committees on Health and Human Services, Community and Economic Development, Finance.

Ord. No. 905-05.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contracts with various agencies to provide AIDS-related services.

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

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

Section 1. That the Director of Public Health and the Director of Community Development, as appropriate, are authorized to enter into contracts with various agencies to provide HIV/AIDS prevention, education, under File No. 905-05-A, and in addition, the sum of not more than \$105,538 is appropriated to the Department of Public Health for administrative costs of implementing the contracts authorized by this ordinance. Any agency that receives funds under this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work.

Section 2. That the Director of Public Health and the Director of Community Development are authorized to enter into a memorandum of understanding for this program in accordance with the terms authorized by this legislation.

Section 3. That the cost of the contracts authorized are appropriated for costs of the Department of Public Health incurred from Fund 13 following the appropriate federal regulations and shall not exceed \$565,000 and shall be paid from Fund Nos. 14 SF 030 and 14 SF 031, Request No. 149504.

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

Referred to Directors of Public Health, Community Development, Finance, Law; Committees on Health and Human Services, Community and Economic Development, Finance.

**Ord. No. 906-05.
By Council Members Coats, Reed,
Cimperman, and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to execute a deed of easement granting to Cuyahoga County certain easement rights in property located at the northeast corner of East 152nd Street and St. Clair Avenue and declaring the easement rights no longer needed for public use.

Whereas, Cuyahoga County (the "County") requested the Director of Public Safety to convey certain easement rights in property located at the northeast corner of East 152nd Street and St. Clair Avenue; and

Whereas, the County requires the easement rights to construct additional right-of-way at that intersection; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is no longer needed for public use:

**LEGAL DESCRIPTION OF
STANDARD HIGHWAY
EASEMENT**

FROM PPN 115-23-012
ST. CLAIR AVENUE &
EAST 152ND STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 42, Tract No. 10, and bounded and described as follows...

Beginning at the iron pin monument on the centerline of St. Clair Avenue (60 feet wide) at its intersection with the centerline of East 152nd Street (60 feet wide);

Thence North 43°45'00" East, along said centerline of St. Clair Avenue, a distance of 97.58 feet, to a point;

Thence North 46°15'00" West, perpendicular to said centerline, a distance of 30.00 feet, to a point on the northwesterly right of way line of St. Clair Avenue, said point also being on the southeasterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 89-6789, Page 4 of the Cuyahoga County Records, and Principle Place of Beginning of the premises herein intended to be described;

Course I Thence North 43°45'00" East, along said northwesterly right of way line, a distance of 18.24 feet, to a point on said northwesterly right of way line.

Course II Thence along the arc of a curve deflecting to the right, a distance of 39.24

feet, said curve having a radius of 16.50 feet, and a chord which bears North 68°07'30"

West, a distance of 30.62 feet, to a point on the easterly right of way line of East 152nd

Street, said point also being on the westerly line of said City of Cleveland land;

Course III Thence Due South, a distance of 18.24 feet, to a point of curvature on said easterly right of way line;

Course IV Thence along the arc of a curve deflecting to the left, a distance of 21.82 feet, said curve having a radius of 9.18 feet, and a chord which bears South 68°07'30" East, a distance of 17.03 feet to the Principle Place of Beginning, and containing 245 sq. ft. of land as surveyed and described by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd., in December, 2004, be the same more or less but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to the County, subject to any conditions stated herein, at a price not less than fair market value as determined by the Board of Control.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to construct additional right-of-way at the intersection of East 152nd and St. Clair Avenue.

Section 4. That the duration of the easement shall be perpetual; that the easement shall include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Public Safety; that the easement shall require that the County indemnify the City, provide reasonable insurance, maintain any County improvements located within the easement; and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to in this ordinance shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Safety on behalf of the City of Cleveland. The Directors of Public Safety and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, that may be necessary to effect the construction of the improvements within the property described in this ordinance.

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

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

**Ord. No. 907-05.
By Council Members Gordon and Jackson (by departmental request).**

An emergency ordinance appropriating Community Development Block Grant funds for the promotion of various housing events for the Department of Community Development.

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

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

Section 1. That Community Development Block Grant funds in the amount of \$40,000 from Fund No. 14 SF 030 are appropriated for activities related to the promotion of various housing events in the City of Cleveland.

Section 2. That the Director of Community Development is autho-

rized to expend CDBG funds for activities related to the promotion of various housing events in the City of Cleveland.

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

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

**Ord. No. 908-05.
By Council Members Rybka, Gordon and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the environmental remediation and demolition of certain properties located at 3542 and 3570 East 71st Street and 3540 East 72nd Street located in Slavic Village; and authorizing the Director to enter into one or more contracts with Slavic Village Development to implement the project.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development for the environmental remediation and demolition of certain properties located at 3542 and 3570 East 71st Street and 3540 East 72nd Street located in Slavic Village, to be used to implement the project as described in the executive summary below; 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 executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant, File No. 908-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with the Slavic Village Development to implement the project.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 909-05.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Cuyahoga County Department of Workforce Development for the Building H.O.P.E.: Help and Opportunities to Prepare for Employment Program; and authorizing the purchase by one or more requirement contracts of materials, supplies, and equipment needed to implement the program.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$50,000, from the Cuyahoga County Department of Workforce Development to conduct the Building H.O.P.E.: Help and Opportunities to Prepare for Employment Program; 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 pre-award agreement for the grant contained in the file described below.

Section 2. That the pre-award agreement for the grant, File No. 909-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Economic Development is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials, supplies, and equipment needed to implement the program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Economic Development. 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 4. 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.

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

Ord. No. 916-05.

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

An emergency ordinance to amend Section 1 of Ordinance No. 205-04, passed February 9, 2004, relating to a grant from the County of Cuyahoga for the 2003 Urban Area Security Initiative Program and authorizing contracts for its implementation.

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

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

Section 1. That Section 1 of Ordinance No. 205-04, passed February 9, 2004, is amended to read as follows:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of **\$5,391,363.00**, from the county of Cuyahoga to conduct the 2003 Urban Area Security Initiative ("UASI") Program; 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 set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That Section 1 of Ordinance No. 205-04, passed February 9, 2004, 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 Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 917-05.

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

An emergency ordinance to amend the title and Section 3 of Ordinance No. 1199-02, passed June 17, 2002; to supplement the ordinance by adding new Sections 7 and 8; and to renumber existing Section 7 to new Section 9, relating to a grant from the Clean Ohio Conservation Fund for the Mill Creek Waterfall Conservation Project.

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

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

Section 1. That the title and Section 3 of Ordinance No. 1199-02,

passed June 17, 2002, is amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Clean Ohio Conservation Fund for the Mill Creek Waterfall Conservation Project; authorizing the Commissioner of Purchases and Supplies to acquire for public purposes such real property that is necessary to implement the project; and authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to Cleveland Metroparks.

Section 3. That the Director of Parks, Recreation and Properties is authorized to enter into contract with Slavic Village Development to implement the project as described in the application; and that Slavic Village Development shall provide the necessary matching funds in the sum of \$15,000.00, payable to the Clean Ohio Conservation Fund.

Section 2. That the existing title and Section 3 of Ordinance No. 1199-02, passed June 17, 2002, is repealed.

Section 3. That Ordinance No. 1199-02, passed June 17, 2002, is supplemented by adding new Sections 7 and 8 to read as follows:

Section 7. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

Parcel No. 1

And known as being part of Original 100 Acre Lot No. 464, and bounded and described as follows: Beginning in the Northerly line of the Stanley and Adams Subdivision as recorded in Volume 11 of Maps, Page 39 of Cuyahoga County Records, at a point 362-8/10 feet Westerly from a stone on the Westerly line of Warner Road, S.E.; thence North 89 degrees 39' West along the Northerly line of said Subdivision, 182-7/10 feet to a stake at the Southeast corner of land conveyed to Jane Burns by deed dated July 29, 1884, and recorded in Volume 372, Page 127 of Cuyahoga County Records; thence Northerly along the Easterly line of the land conveyed to Burns, 52 feet to a stake; thence North 46 degrees 18' West, 102-5/10 feet to a stone at the most Northerly corner of the land conveyed to Burns; thence North 84 degrees 35' East, 229-3/10 feet; thence South 10 degrees 33' East, about 155-8/10 feet to a stake, and place of beginning, together with the right of way, for street purposes, in common with others, over a strip of land 40 feet wide, extending along the Northerly line of the above described premises, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

And known as being part of Original 100 Acre Lot Nos. 463 & 464, and bounded and described as follows: Beginning in the Northerly Line of the Stanley and Adams Subdivision, as recorded in Volume 11 of Maps, Page 39 of Cuyahoga County Records, at the intersection of said Northerly line with the boundary line between Sublot Nos. 94 & 95 in said Subdivision; thence Northerly, along the prolongation of the boundary line between said Sublot Nos. 94

& 95, 60 feet thence North 47 degrees 50' East, 52-5/10 feet to a stone; thence North 27 degrees 30' East, 33 feet to a stone; thence South 46 degrees 18' East, 102-5/10 feet to a stake in the northerly prolongation of the boundary line between Sublot Nos. 97 & 98 in said Subdivision; thence Southerly 52 feet to the intersection of the Northerly line of the Stanley and Adams Subdivision with the boundary line between said Sublot Nos. 97 & 98; thence Westerly, along the Northerly line of said Subdivision, 130 feet to the place of beginning, containing 24/100 of an acre of land, together with the right of way for a driveway over Sublot Nos. 95 and 96, as said drive is described in a deed from Jane Burns and husband to James Crocker, dated March 17, 1891, and recorded in Volume 492, Page 147 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Parcel No. 3

And known as being part of Original 100 Acre Lot No. 464 and bounded and described as follows: Beginning at the Northeastly corner of land in said Original Lot No. 464 conveyed to Burden by deed recorded in Volume 395, Page 494 of the records of deeds of Cuyahoga County; thence along the Northerly line of land so conveyed South 84 degrees 35' West, 321 feet; thence North 23 degrees 23' East, 57-95/100 feet; thence North 58 deg. 29' East 123-82/100 feet; thence North 29 degrees 53' East, 28-21/100 feet; thence North 73 degrees 43' West, 79-83/100 feet; thence North 33 degrees 20' East, 39-7/10 feet; thence South 70 degrees 52' East, 26 feet; thence South 52 degrees 31' East, 90-23/100 feet; thence South 53 degrees 30' East, 44-9/10 feet; thence South 50 degrees 6' East, 50-05/100 feet; thence South 81 degrees, 55' East, 54-65/100 feet; thence South 10 degrees 33' East, 38-13/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 8. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Cleveland Metroparks at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 4. That existing Section 7 in renumbered to new "**Section 9**".

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.

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

Ord. No. 928-05.

By Council Members Zone and Westbrook.

An emergency ordinance to supplement the Codified Ordinances by enacting new Section 394.071 thereof relating to transporting certain hazardous materials by rail car through the City.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 394.071 thereof, to read as follows:

Section 394.071 Transporting Hazardous Materials by Rail Car Prohibited

(a) Findings.

This Council finds and declares the following. That, every year in the United States, there are derailments of trains with hazardous cargo requiring major evacuations. This Council finds that the volume of rail traffic per day on Cleveland's Lakefront Rail Line is over 50 trains, approximately 80% of which carry hazardous materials. That Cleveland's Lakefront Rail Line goes through heavily populated areas on the east and west sides of the City, and through the northern rim of downtown Cleveland along the lakefront, within one block of buildings and museums all of which attract thousands of people. That the release and/or ignition of several types of the most commonly shipped hazardous cargo on the Lakefront Rail Line, could result in a toxic cloud that could spread for several miles or could result in a spill of toxic material into Lake Erie. This Council further finds that, depending on the material released, time of day and weather, the recommended distance for initial isolation and evacuation in the event of a hazardous cargo release in a serious railroad incident extends from a few hundred feet to several miles, potentially requiring the evacuation or shelter-in-place of many thousands of people in downtown Cleveland or other heavily populated areas along the Lakefront Rail Line. Any evacuation could be hampered by the inability to evacuate to the north, where Lake Erie and the Lakefront Rail Line are located. This Council finds that the proximity of the Lakefront Rail Line to a heavily congested city area on one side, and to Lake Erie on the other, poses a uniquely local security and safety hazard, making incumbent upon this Council to reduce the risk of exposure to hazardous materials to both citizens of the City and to this City's greatest natural resource, Lake Erie.

This Council finds that the Cuyahoga County Local Emergency Planning Committee has recommended an alternate rail route that traverses less populated sections of the Cleveland metropolitan area and would dramatically reduce the consequences of a potential accidental release. This Council further finds that said alternate rail route would require minimal capital expenditures on the part of the rail road companies. This Council finds that said alternate rail route more closely follows the mandatory routes for the through shipment of hazardous materials by highway as ordered by the Public Utilities Commission of Ohio.

Therefore, in light of its findings, in order to preserve and protect the general health, safety, security and welfare of the citizens of the City of Cleveland and of Cuyahoga County, and to reduce an essentially local safety and security hazard, this

Council finds that it is necessary to prohibit large shipments of certain hazardous materials by rail through downtown Cleveland and along the Cleveland Lakefront Rail Line.

(b) Definitions.

(1) "Emergency" means an unanticipated, temporary situation that threatens the immediate safety of individuals or property, as determined by the Fire Chief.

(2) "Hazmat Exclusion Route" means all points along the following rail route: along the Norfolk Cleveland Rail Line beginning at the intersection of East 93rd Street and Broadway Avenue, then proceeding north along the Norfolk Cleveland Rail Line to the Lakefront Rail Line, then proceeding west along the Lakefront Rail Line and ending at the point where the Lakefront Rail Line intersects and exits the city limits of the City of Cleveland.

(3) "Person" means any individual or any partnership, firm, association, corporation, or other entity of any kind.

(4) "Practical Alternative Route" means a route that lies entirely outside the Hazmat Exclusion Route.

(5) "Through-shipment" means any shipment which passes along the Hazmat Exclusion Route unless that shipment's point of origin or ultimate destination is along the Hazmat Exclusion Route.

(c) Except in cases of emergency, no person may make through-shipments by rail car of any of the following hazardous materials on the Hazmat Exclusion Route without a permit issued pursuant to division (d) of this section:

(1) explosives of Class 1, Division 1, or Class 1, Division 1.2 as designated in 49 CFR Section 173.2, in a quantity greater than 500 kilograms;

(2) flammable gasses of Class 2, Division 2.1, as designated in 49 CFR Section 173.2, in a quantity greater than 1000 liters;

(3) poisonous gasses of Class 2, Division 2.3, as designated in 49 CFR Section 173.2, in a quantity greater than 500 liters and belonging to Hazard Routes A or B as defined in 49 CFR 173.116; and

(4) poisonous materials, other than gasses, of Class 6 Division 6.1, in a quantity greater than 1000 kilograms and belonging to Hazard Routes A or B as defined in 49 CFR 173.133.

(d) The Fire Chief may issue a permit to authorize a through-shipment by rail car of materials listed in division (c) of this section upon demonstration that there is no practical alternative route. The Fire Chief may condition the permit on the adoption of safety measures, including, but not limited to time-of-day restrictions. The cost of said permit shall be determined by the Fire Chief and shall not exceed the cost of implementing and enforcing this section. The Fire Chief shall promulgate rules and regulations to implement and enforce the provisions of this section.

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

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

FIRST READING ORDINANCE REFERRED**Ord. No. 910-05.****By Council Members Cimperman, White and Jackson (by departmental request).****An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 344.01 to 344.13 relating to the Midtown Mixed-Use District.**

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 344.01 to 344.13 to read as follows:**CHAPTER 344
Midtown Mixed-Use District****Section 344.01 Definitions**

(a) *Light Industrial.* An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food and beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

(b) *Outdoor Display.* The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping package and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

(c) *Outdoor Storage.* The keeping, in an area outside of a building, of any goods, materials, or merchandise in the same place for more than 24 hours, except for merchandise placed in an area for outside display.

Section 344.02 Purpose

A Midtown Mixed-Use District (MMUD) and its regulations are established in order to permit and encourage an intensity and mix of development that supports and implements the development policies that have been established for this area by the City of Cleveland, the Greater Cleveland Regional Transit Authority (GCRTA), and Midtown Cleveland, Inc. The intention in establishing this District in the development regulations is to permit specific uses, at a development intensity and with an urban form in a manner that:

(a) Encourages a pedestrian-oriented mix of uses including retail, residential, offices and light industrial.

(b) Expands the available economic development options while strengthening the existing uses found in the Midtown District.

(c) Encourages a compact land development pattern that increases resident and employment densities to support the GCRTA's Euclid Corridor Transportation Project investment and facilitates transit usage to/from the Midtown area.

(d) Ensures that new development and/or redevelopment will occur in a unified manner consistent with the Midtown Cleveland Inc. Strategic Plan as adopted by the Cleveland City Planning Commission.

(e) Establishes design criteria for new development or redevelopment to ensure that an aesthetically pleasing and pedestrian friendly environment is provided.

Section 344.03 Establishment of a Midtown Mixed-Use District

A Midtown Mixed-Use District (MMUD), with its four sub-areas, as defined below, is established in accordance with the required procedures for a Zoning Map amendment under to Chapter 331. The boundaries of the Midtown Mixed-Use District and its sub-areas shall be indicated on the official City of Cleveland Zoning Map with the symbol MMUD.

(a) *Euclid Corridor Development Sub-Area (MMUD-1):* Provides for a mix of land uses to be built at higher densities; requiring the siting of buildings closer to the front property line and closer to each other; facilitating pedestrian access to the proposed transit stops and to buildings; and encouraging the location of retail shops, plazas and other pedestrian amenities at the ground level of buildings.

(b) *Chester Corridor Development Sub-Area (MMUD-2):* Provides for a residential area of medium density adjacent to the existing residential areas on the north side that reinforces the landscaped character of Chester Avenue and permits expansion of the Euclid Corridor Development Area patterns when a mixed-use project extends to Chester Avenue from Euclid Avenue.

(c) *Carnegie Corridor Development Sub-Area (MMUD-3):* Provides for a mix of uses that includes accommodating auto-oriented retail and light industrial uses in a manner that encourages placing buildings near the street with landscaping along the frontage.

(d) *Chester Corridor West Development Sub-Area (MMUD-4):* Provides for light industrial uses in a manner that encourages placing buildings near the street with landscaping along the frontage.

Section 344.04 Permitted Uses

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part in the MUDD only for the uses listed herein.

(a) A use listed in Schedule 344.04 shall be permitted by right when denoted by the letter "P" provided that all requirements of other City ordinances and this zoning code have been met;

(b) A use listed in Schedule 344.04 shall be permitted as a conditional use when denoted by the letter "C" subject to the approval of the City Planning Commission as set forth in the regulations contained in Section 344.12.

(c) A use listed in Schedule 344.04 shall be permitted as an accessory use when denoted by the letter "A". Such accessory uses shall be permitted as a subordinate use when it is clearly incidental to and located on the same zoning lot as the principal building or use.

(d) A use not listed in Schedule 344.04 as either a permitted principal or conditional use shall be a prohibited use in the MUDD zoning district.

**Schedule 344.04
Midtown Mixed Use District Permitted Uses**

USES				
PERMITTED USES	Euclid MMUD-1	Chester MMUD-2	Carnegie MMUD-3	Chester West MMUD-4
Residential				
Apartment House or Multiple Dwelling Units (1)	P	P	P	P
Townhouse Unit, Row House or Dwelling, Single-Family Attached (1)	C	P		
Residential above First Floor Retail	P		P	
Live-Work Residential Dwellings (as defined in Chapter 346)	P	P	P	P
Retail and Professional Services				
Retail	P (2)	A	P	C
Retail, Stand Alone (4)	P		P	
Personal Services and Offices	P (2)	A	P	
Professional and Administrative Offices	P	A	P	P
Sales Office (with only samples of products)	P (2)		P	P
Financial Offices, Bank	P	A	P	
Business Services	P (2)		P	
Automotive Sales and Related			C	
Gasoline Service Stations, Automotive Services and Automotive Repair Garages			P	
Restaurants, Dine-in	P	A	P	
Walk-up ATM, Similar	P	P	P	
Drive-Thru Facilities	C		P	
Indoor Recreation Facility	P (2)	A	P	P
Industrial				
Light Industrial			P	P
Warehouse			P	
Other				
Outdoor Display	A	C	A	
Outdoor Storage			C	C
Application of MMUD-1 Uses and Standards (3)		C		C
Hotels			P	
Playgrounds, Parks	A	P	P	P
Churches and Places of Worship (4)	P		P	P
Day Care Centers, Children and Adults	P (2)		P	P
Libraries and Museums (4)	P		P	P
Schools and Educational Facilities (4)	P		P	P
Government Offices	P		P	P
Government facilities, including police and fire			P	P
Parking Garages and Off-Street Parking	A	A	A	A
Signs	A	A	A	A
P = Use Permitted by Right C = Conditional Use A = Accessory Use Blank Cell = Use not permitted in this Sub-area				
Notes: (1) Residential projects, both apartment and townhouse/attached housing projects, in the MMUD-1 will include at least 60% of the ground floor area of the project as retail, day care, or similar use providing tenant/resident amenity or service. See Section 344.11 for additional information. (2) These uses are permitted in the MMUD-1 when part of a mixed use project, meaning that the project includes uses other than the proposed use that account for at least 50% of the total square footage of the building area. (3) The City Planning Commission may allow the extension of uses permitted in the MMUD-1 to the MMUD-2 when a mixed-use project proposed for an MMUD-1 parcel extends through to the MMUD-2 and is complementary to the primarily residential uses permitted in the MMUD-2. (4) Stand-alone retail must meet the building width and height requirements set forth in Schedules 344.06 and 344.07.				

Section 344.05 Building and Parking Setback Requirements

(a) Principal and accessory buildings shall be located on a lot in a manner that maintains the front, side and rear yard requirements as set forth in Schedule 344.05.

**Schedule 344.05
Building and Parking Setback Requirements**

	Euclid MMUD-1	Chester MMUD-2	Carnegie MMUD-3	Chester West MMUD-4
A. Building				
1. Front Setback from Street Right-of-Way				
(a) Minimum	None	20 feet	5 feet	20 feet
(b) Maximum	10 feet (1)	30 feet (2)	30 feet (2)	30 feet (2)
2. Side and Rear Setback				
(a) From Residential District property line	25 feet	25 feet	25 feet	25 feet
(b) From Non-Residential District property line	None	10 feet	10 feet	10 feet
B. Parking				
1. From Street	Equal to Building Setback			
(a) Minimum	5 feet (3)	30 feet	10 feet	30 feet
(b) Maximum	None	None	None	None
2. From Rear or Side Lot Line of Adjacent Residential District	10 feet	10 feet	10 feet	10 feet
3. From Rear or Side Lot Line of Adjacent Non-Residential District	5 feet	5 feet	5 feet	5 feet

Notes:

(1) The maximum setback from the street right-of-way may be increased to 20 feet with the approval of the City Planning Commission for the purpose of providing a plaza, café, public art or similar pedestrian-oriented amenity.

(2) Parcels with projects extending the full length from Euclid to either Chester or Carnegie will be required to use only the Building and Parking Setback Requirements in this Schedule that apply to the Euclid side of the project.

(3) Must be sufficient to meet landscape requirements for screening as provided in Section 344.09(a).

Section 344.06 Building Width Requirements

(a) Principal buildings shall have building width characteristics as set forth in Schedule 344.06:

**Schedule 344.06
Building Width Requirements**

	Euclid MMUD-1	Chester MMUD-2	Carnegie MMUD-3	Chester West MMUD-4
Minimum building width at the building line as a percent of the lot width:				
Buildings Fronting Euclid, Chester and Carnegie	80 % (1)	50 % (1)	50 % (1)	50 % (1)
Buildings Fronting on the Side Streets (perpendicular to Euclid, Chester and Carnegie)	50 %	50 %	50 %	50 %

Notes:

(1) Parcels with projects extending the full length from Euclid to either Chester or Carnegie will be required to use only the Minimum Building Requirements in this Schedule that apply to the Euclid side of the project.

Section 344.07 Building Height Requirements

(a) Principal buildings shall have height characteristics as set forth in Schedule 344.07:

**Schedule 344.07
Building Height Requirements**

	Euclid MMUD-1	Chester MMUD-2	Carnegie MMUD-3	Chester West MMUD-4
Minimum height requirement	3 stories (that are occupiable floors)	None	None	None
Maximum height requirement	120 feet	None	None	None

Section 344.08 Off-Street Parking and Loading

(a) Off-street parking and loading areas in the MMUD shall conform to the parking requirements set forth in Chapter 349, except as modified herein. Where there is conflict between a provision in this Section and that referenced in Chapter 349, the requirement of this section shall take precedent.

(b) All accessory off-street parking spaces in the entire MMUD shall comply with parking setback requirements set forth in Section 344.05(a).

(c) Off-street loading in the entire MMUD shall be from the rear if possible, or from the side where rear loading is not possible.

(d) In the MMUD-1:

(1) The minimum parking requirement for various uses shall be 50% of what is required in Chapter 349.04.

(2) Accessory off-street parking spaces serving two or more uses that are located on the same lot or parcel may be combined and used jointly by such uses, and may have its total parking requirement reduced by up to 50%, as approved by the City Planning Commission notwithstanding the provisions of Section 349.06 "Mixed Use Facilities," if it can be demonstrated that the lesser number of spaces is appropriate and consistent with these regulations.

(3) Maximum parking may not exceed 100% of the requirements specified in Chapter 349.

(4) Vehicle access to parking should be from side streets and not from Euclid Avenue where possible.

(5) Bicycle parking shall be provided at the level of one for every twenty automobile parking spaces, with a minimum of two spaces and a maximum of forty spaces. No bicycle parking is required where less than twenty automobile parking spaces are required.

(e) In the MMUD-2 and MMUD-3:

(1) Maximum parking may not exceed 120% of the requirements specified in Chapter 349.

Section 344.09 Site Development Standards

(a) *Visual Screening and Landscape Buffers.* Visual screening and landscaping buffers shall be provided for all lots in the entire MMUD in accordance with the provisions set forth in Chapter 352 as applicable to the Central Business District, referenced in Section 352.03(6), except as modified herein. Where there is conflict between a provision in this Section and that referenced in Chapter 352, the requirement of this section shall take precedent.

(1) A Frontage Strip shall be provided as specified in Section 352.10—"Table Containing Uses Requiring Other Screening or Landscaping."

A. In the MMUD-1 and MMUD-3, the frontage strips shall be at least of the intensity specified in Section 352.11 — "Table Containing Screening Intensity" and required setback areas may be enhanced further with pedestrian amenities such as benches, public art and similar features.

B. In the MMUD-2, the frontage strips shall be at least twenty (20) feet.

(2) An Island Strip as required by Section 352.10 — "Table Containing Uses Requiring Other Screening or Landscaping."

(3) Off-street accessory parking spaces shall be screened from an adjacent Residential District consistent with the provisions of Section 349.08.

(4) A landscaping plan shall be submitted consistent with the requirements of Section 352.04.

(5) Materials used for landscaping shall be consistent with the requirements provided in Section 352.05.

(b) *Fencing.* Fencing requirements shall be provided for all lots in the MMUD in accordance with the provisions set forth herein and those referenced in Chapter 352. Where there is conflict between a provision in this Section and that referenced in Chapter 352, the requirement of this Section shall take precedent.

(1) In the entire MMUD, only ornamental fences up to five (4) feet in height with twenty-five percent (25%) maximum opacity are permitted in the required building and parking setback area unless provided for screening pursuant to Chapter 352. Alternatively, a masonry wall up to three (3) feet in height may be provided in lieu of an ornamental fence in the required building and parking setback area unless the fence is provided for screening pursuant to Chapter 352.

(2) In the entire MMUD, fences and walls shall be permitted in interior rear and side yards consistent with the following:

A. The fence shall not exceed seven (7) feet in height.

B. The fence shall be to the side and rear of the building, starting at the building line, and may not encroach on the front setback.

(c) *Lighting Requirements.* Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety, utility and security and control light trespass and glare on adjacent properties and public roadways. Lighting shall be provided for all parking lots in the entire MMUD in accordance with the provisions set forth herein.

(1) All developments with ten (10) or more parking spaces are required to provide exterior lighting for all vehicular use areas including entrance and exit access drives and pedestrian paths connecting parking areas to principal buildings.

(2) Lighting shall be integrated into the public character both in terms of illumination and fixtures.

(3) Light poles shall not be higher than thirty (30) feet.

(4) All parking lot and security lighting fixtures shall be full cut-off fixtures except for decorative lighting meaning that the lighting fixture is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

(5) Automobile-oriented uses such as gasoline service stations, automotive service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.

Section 344.10 Design Criteria

All new development or redevelopment projects in the MMUD shall be subject to the design guidelines and review procedures established in Section 303.08. The following design criteria are also established to ensure that new development or redevelopment in the MMUD-1 complies with the purpose and objectives of this Chapter, as set forth in Section 344.01.

(a) *General Criteria.*

(1) The proposal shall enhance and improve the character of the community and be appropriate and compatible with its surroundings in accordance with the intent, objectives and development requirements set forth in this Chapter.

(2) Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the surrounding area.

(3) Each building or unit of a multiple building development should have its own distinct identity, yet should also be compatible with adjacent units or buildings in terms of scale, proportion, color, and materials.

(4) Ingress and egress to drive-thru facilities, if permitted, should be from side streets, not from Euclid Avenue.

(b) *Building Design, Walls and Materials.*(1) *Building Design.*

A. Building entrances should be oriented to Euclid Avenue where feasible.

B. Architectural style is not restricted, but the evaluation of the appearance of the project shall be based on the quality of its design and relationship to the prevailing design characteristics of the surrounding area.

C. Building components, such as windows, doors, eaves, and parapets, shall be composed on a facade of a building with harmonious proportions in relationship to one another and surrounding buildings.

D. Architectural features should be placed upon a facade of a building in a pattern that creates a building fenestration that has a constant rhythm and harmonious appearance.

(2) *Building Walls.*

A. When the wall of a non-residential building faces a public right-of-way or is within 45 degrees of facing a public right-of-way, a minimum of 50 percent of such wall area, on the ground floor, shall have display-type windows. The bottom edge of such window shall not be higher than three feet above grade. A maximum of 20 percent of such windows may be opaque.

B. Walls shall have no more than 20 feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

C. Walls that meet the following criteria shall be exempt from the requirements of subsection (c)(2) above:

1. Two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings, or

2. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.

(3) *Building Materials.*

A. Buildings shall have finish materials on all sides. Finish materials shall not include exposed concrete or cinder block or stucco (commonly known as "dryvit") unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals or combinations thereof.

B. A combination of materials, textures, colors, and finishes are preferred to create visual interest.

Section 344.11 Supplemental Regulations for the MMUD-1

(a) Any existing building containing an industrial use at the time of the adoption of these zoning regulations shall be considered conforming to the use provisions of Section 344 and may continue as an industrial use.

(b) Any existing building not meeting the minimum height requirements at the time of the adoption of these zoning regulations shall be considered as conforming to the building height requirements of Section 344.

(c) Residential projects, both apartment and townhouse/attached housing projects, in the MMUD-1 will include at least 60% of the ground floor area of the project as retail, day care, or similar use providing tenant/resident amenity or service. This requirement may be suspended for a proposed development project by the Cleveland City Planning Commission if it is demonstrated that sufficient ground-level retail has been provided by other projects already constructed or approved in the MMUD-1.

Section 344.12 Conditional Use Regulations

(a) *General Criteria.* A conditional use, and uses accessory to such conditional use, shall be permitted in the MUDD only when specified as a conditional use in such District, and only if such use conforms to the following general criteria, and the specific conditions, standards and regulations set forth in this Section. The City Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use, as proposed, satisfies the following criteria:

(1) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.

(2) Will not restrict or adversely affect the existing use of the adjacent property owners.

(3) Will be properly landscaped in compliance with Section 344.09.

(4) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

(b) *Supplemental Criteria for Specific Uses.* The following are specific conditions, standards and regulations for certain conditional uses.

(1) *Automotive Sales and Related.* (MMUD-3)

A. A service garage, leasing department and other activities, including cleaning, servicing and repair, customarily incidental to an automobile dealer shall be permitted provided these activities are conducted in a wholly enclosed building; vehicles currently being repaired at a service garage may be stored outside for up to forty-eight (48) hours.

B. No junk, inoperative or unlicensed vehicle, except for the inventory of new or used cars for sale, shall be permitted to remain outside an enclosed building for more than forty-eight (48) hours.

C. Display of vehicles for sale shall be located on a paved surface and shall comply with the parking setback requirements of Section 344.05(a).

D. Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a lighting plan approved by the City Planning Commission pursuant to Section 344.06(e).

(2) *Drive-thru Facility.* (MMUD-1)

A. Such facilities shall be located to the rear of the building if possible or in an area least disruptive to pedestrian or vehicular traffic if location to the rear of the building is not feasible.

B. To the extent possible, access to the drive-thru should be provided from a side street and, if necessary, there shall be only one access to/from Euclid Avenue.

C. Any proposed loudspeaker system shall be approved by the City Planning Commission.

D. At least five (5) waiting or stacking parking spaces shall be provided in addition to the required number of parking spaces specified in Section 344.08 unless deemed unnecessary by the City Planning Commission.

(3) *Gasoline service stations, automotive service stations and automotive repair garages.* (MMUD-3)

A. Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Schedule 344.05(a).

B. When located on a corner lot, the location of access drives shall be placed as far as possible from the intersection and shall be limited to no more than one access drive per fronting street.

C. A car wash establishment may be combined with a gasoline station or automotive service station provided that the minimum lot area for the combined uses is a minimum of 50,000 square feet.

D. An area for vehicular circulation that is not otherwise used for required parking shall be provided at each end of a gasoline pump island. Such area shall be a minimum of thirty (30) feet in width.

(4) *Outdoor Storage.* (MMUD-3 and MMUD-4)

A. Outdoor storage of materials includes the storage of goods, materials or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.

B. The following provisions shall apply to outdoor storage of goods and materials:

1. Areas devoted to outdoor storage shall be located in a side or rear yard only and shall comply with the building setbacks set forth for the sub-districts in Schedule 344.05.

2. All outdoor storage areas shall be contiguous to the principal building.

3. No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.

4. The area of the lot devoted to outdoor storage shall not exceed 25 percent (25%) of the ground floor area of the principal building.

5. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.

6. All outdoor storage areas shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall be at least seven (7) feet tall. No razor or barb wire shall be permitted. Where the fencing presents a face to the front or to a public street, a landscaping strip of at least three (3) feet shall be provided with 50% opacity at planting as a means of camouflaging the storage wall or fence.

7. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Chapter 350.

8. No junk, inoperative or unlicensed vehicle, except for the inventory of new or used cars for sale, shall be permitted to remain outside an enclosed building for more than forty-eight (48) hours.

(5) *Outdoor Display.* (MMUD-2)

A. Outdoor display of materials includes merchandise in an outdoor area that is representative of the merchandise for sale from inside the building and is permitted by retail uses subject to the following provisions:

B. The display of merchandise for sale is limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by the employees of such principal business;

C. The areas devoted to outdoor display must comply with all building setbacks and yard regulations set forth in Schedule 344.05 and be contiguous to the building;

D. The height of the outdoor display may not exceed six (6) feet;

E. No outdoor display is permitted to occupy or interfere with traffic circulations, required parking areas, public sidewalks or pedestrian access;

F. No signs are permitted in conjunction with the outdoor display except those otherwise in compliance with the sign regulations in Chapter 350.

(6) *MMUD-1 Uses and Development Standards in the MMUD-2.* (MMUD-2 and MMUD-4)

A. The intention is to permit the extension of a mixed-use development project initiated on Euclid Avenue through the block to the south side of Chester Avenue when the project would complement the residential uses on Chester Avenue.

B. When approved by the City Planning Commission, such a mixed-use development project as permitted in the MMUD-1, including the permitted uses and development standards, shall be acceptable for property located in the MMUD-2 or MMUD-4 when the following are provided:

1. Building frontage on both Chester and Euclid Avenues with at least one main building entrance provided on each street.

2. Accessory parking is provided internal to the site and is accessed from a side street.

(7) *Retail Uses.* (MMUD-4)

A. Retail uses in the MMUD-4 shall be permitted only if fronting W. 55th Street.

(8) *Townhouse Unit, Row House or Dwelling, Single-Family Attached* (MMUD-1)

A. Single-family units in the MMUD-1 are permitted to locate on the side streets perpendicular to Euclid Avenue.

B. Single-family units in the MMUD-1 must have vehicle ingress/egress from the side streets and not from Euclid Avenue.

Section 344.13 Approval of MMUD Projects

All development within the MMUD shall be subject to the development review requirements set forth in Chapter 303, Business Revitalization District.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 911-05.

By Council Member Johnson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (James O. Murako.)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 4: James O. Murako.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 912-05.

By Council Member Reed.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 3. (Migel Campbell)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 3; and

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

a municipal department; now, therefore

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 3: Migel Campbell.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 918-05.

By Council Members Conwell, Pierce Scott and Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle, Inc. to stretch banners on Stokes Boulevard for the period from May 18, 2005 to June 18, 2005, inclusive, publicizing Parade the Circle Celebration.

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 University Circle Inc. to install, maintain and remove banners on Stokes Boulevard, for the period from May 18, 2005 to June 18, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 919-05.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Haven Missionary Baptist Church to stretch a banner on Martin Luther King, Jr. Drive, for the period from May 9, 2005 to June 5, 2005, inclusive, publicizing the 3rd Annual Taste of Mt. Haven in Mt. Pleasant.

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 Mt. Haven Missionary Baptist Church to install, maintain and remove a banner on Martin Luther King, Jr. Drive, for the period from May 9, 2005 to June 5, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 920-05.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Hessler Neighborhood Association to encroach into the right-of-way of Ford Drive at Hessler Road with one banner to be attached to Cleveland Public Power utility poles (by separate permission) for the period from May 14, 2005 to May 24, 2005 inclusive, publicizing the Hessler Street Fair.

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 provisions 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 Hessler Neighborhood Association to encroach into the right-of-way of Ford Drive at Hessler Road with one banner to be attached to Cleveland Public Power utility poles (by separate permission) for the period from May 14, 2005 to May 24, 2005 inclusive, publishing the Hessler Street Fair.

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 shall be 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 banners and said banners 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 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 922-05.

By Council Members Cimperman, Cintron, Gordon, Brady and Sweeney.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for Leadership Collaborative through the use of Ward 13, 14, 15, 19, 20 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for \$2,500 for a West-side Leadership Collaborative.

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

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

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 923-05.

By Council Member Gordon.

An emergency ordinance limiting the use of Estabrook Park to recreational activities that are consistent with the intended purpose of Estabrook Park; prohibiting the driving and parking of vehicles on the baseball field or football field; prohibiting the construction of temporary entertainment structures necessary for shows and rides; and prohibiting the Director of Parks, Recreation and Properties from issuing any permits contrary to this ordinance and revoking any existing permits contrary to this ordinance.

Whereas, the City of Cleveland is currently investing hundreds of thousands of dollars to improve Estabrook Park; and

Whereas, such improvements include improvements to the baseball fields and football field; and

Whereas, the City has an interest in ensuring that the improvements to Estabrook Park are maintained in order that residents may utilize Estabrook Park for recreational activities; and

Whereas, in the past, uses of Estabrook Park that are contrary to intended recreational activities have resulted in damage to the baseball fields and football field; 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 use of Estabrook Park is hereby limited to recreational activities that are consistent with the intended purpose of Estabrook Park. No person, firm, or entity shall drive upon or park a vehicle on the baseball field or football field of Estabrook Park, with the exception of City employees or the City's contractors performing maintenance and/or improvement services, and no person, firm, or entity shall construct temporary entertainment structures necessary for shows and rides on the grounds of Estabrook Park.

The Director of Parks, Recreation and Properties shall not issue any permit for the use of Estabrook Park that is contrary to this ordinance. Any existing permits contrary to this ordinance are hereby permanently revoked.

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 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 913-05.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue and repealing Resolution No. 2131-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent No. 2779680, by Resolution No. 2131-04 adopted by the Council on November 8, 2004; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution No. 2131-04, 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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 914-05.

By Council Member Dolan.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 14053 Lorain Avenue.

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

transfer of ownership of a C1, C2 and D6 Liquor Permit from 14053 Lorain Avenue, Inc., DBA Rite Shop Food Mart, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 6549242 to R & M Cairo, LLC, DBA Rite Shop, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7149478; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from 14053 Lorain Avenue, Inc., DBA Rite Shop Food Mart, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 6549242 to R & M Cairo, LLC, DBA Rite Shop, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7149478 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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 915-05.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14510 Kinsman Avenue, and repealing Resolution No. 1348-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 14510 Kinsman Avenue by Resolution No. 1348-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670 be and the same is hereby withdrawn and Resolution No. 1348-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 921-05.

By Council Members Jackson and Westbrook.

An emergency resolution urging the Federal Bureau of Investigation and the Federal Bureau of Alcohol, Tobacco and Firearms to investigate the accessibility of guns by young people in the City of Cleveland and to enforce existing gun laws to the fullest extent.

Whereas, this Council is concerned about the increase in gun violence and gun related homicides among young people in the City of Cleveland, and;

Whereas, firearms are easily accessible to children in the United States, for example, 47% of high school students said they could obtain a gun if they wanted to, while 22% of middle school students said they could get a firearm; and

Whereas, 6% of high school students said they had carried a gun in the last 30 days; and

Whereas, in 72% of unintentional deaths and injuries, suicide and suicide attempts with a firearm of 0-19 year olds, the firearm was stored in the residence of the victim, a relative or a friend; and

Whereas, 40% of American households with children have guns and 34% of children in the U.S live in homes with at least one firearm; and

Whereas, there have been incidents recently in this City involving children using firearms against other children; and

Whereas, in the past year, this City has mourned the deaths of children and young adults who have been killed by a child or young adult using a firearm; and

Whereas, this Council is very concerned about the easy access to firearms in the City of Cleveland; 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 urges the Federal Bureau of Investigation and the Federal Bureau of Alcohol, Tobacco and Firearms to investigate the accessibility of guns by young people in the City of Cleveland and to enforce existing gun laws to the fullest extent.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to Robert S. Mueller, III, Director, Federal Bureau of Investigation and Carl Truscott, Director, Bureau of Alcohol, Tobacco and Firearms.

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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 924-05.

By Council Members Coats, Jackson, Gordon, Britt, Westbrook, Sweaney and Zone.

An emergency resolution urging the State legislature to pass Expungement Reform Legislation and supporting the National Restoration Movement, U.S.A., Inc., in its efforts to obtain such reform in Ohio.

Whereas, Ohio's current expungement laws do not allow individuals who have paid their debt to society to become productive members of the community, because such laws prohibit or prevent the individuals from obtaining meaningful employment, sometimes for 10 or more years; and

Whereas, the City of Cleveland has a very high unemployment rate

and many of those that are unemployed have been previously convicted of crimes, thus preventing them from finding good paying jobs; and

Whereas, in Ohio, a person convicted of a misdemeanor or felony crime can be prohibited from getting employment, decent housing, and even student loans; and

Whereas, the state of Ohio's current law allows only a first offense to be expunged, with a few exceptions; and

Whereas, currently in Ohio, if a person is convicted of a misdemeanor, he may apply to have his record expunged after one year of the final discharge of the case; and

Whereas, if a person is convicted of a felony, the record may be expunged after three years after the final discharge of the case; and

Whereas, reform of Ohio's expungement laws should include allowing all cases to be expungable after 10 years of clean conduct and positive community living, with the exception of murder and sexual offenses; and

Whereas, reforming Ohio's expungement laws would allow individuals who have fulfilled their punishments under the law to again be a productive part of the local community and broader society; and

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

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 urges the State legislature to pass Expungement Reform Legislation, and supports the National Restoration Movement, U.S.A., Inc., in its efforts to obtain such reform in Ohio.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to all members of the State legislature, to Governor Bob Taft, and to Reverend Mark C. Olds, President of the National Restoration Movement, U.S.A., Inc.

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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 925-05.

By Council Member Gordon.
An emergency resolution encouraging the United States Senate to support bi-partisan S. 9 and oppose Workforce Investment Act Plus.

Whereas, the local Workforce Investment Act program is an integral part of local economic development; and

Whereas, in 2004, the local Workforce Investment Act assisted over 5,000 individuals and businesses; and

Whereas, in 1998, important relationships were established between the federal government, state governments, local governments, and the public and private sectors in establishing the Workforce Investment Act program; and

Whereas, the United States Senate is currently considering legislation to reauthorize the Workforce Investment Act; and

Whereas, passage of S. 9, introduced on January 24, 2005, will result in positive changes in the United States workforce investment system and build upon progress already made by the Workforce Investment Act program; and

Whereas, the Local Workforce Coalition, comprised of the National Association of Counties, the National Association of Workforce Boards, the National Workforce Association, and the U.S. Conference of Mayors, urges passage of bi-partisan S.9; and

Whereas, the Department of Labor is proposing a Workforce Investment Act Plus Consolidated Grant Program ("WIA Plus"); and

Whereas, under this proposal, states would have complete authority to design their workforce investment act program and could choose to eliminate local workforce investment boards; and

Whereas, such authority is contrary to the governance relationships negotiated and agreed upon when establishing the Workforce Investment Act in 1998; and

Whereas, this Council is concerned about the detrimental impact of WIA Plus on local workforce systems in the greater Cleveland, Ohio region; 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 encourages the United States Senate to support bi-partisan S. 9 and oppose Workforce Investment Act Plus.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to United States Senator George Voinovich, United States Senator Michael DeWine, United States Senator Michael Enzi, United States Senator Bill Frist, and United States Senator Edward Kennedy.

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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 926-05.

By Council Members Westbrook, Zone, Kelley, Brady and Sweeney.

An emergency resolution opposing the proposed cuts in funding to Bridgeway's Playhouse program, an Alcohol and Drug Addiction Prevention Program for Children and Youth and urging the Alcohol and Drug Addiction Services Board of Cuyahoga County to reinstate such funds for this worthwhile program.

Whereas, Bridgeway is a mental health agency that provides counseling, treatment, crisis intervention and assisted living services for those struggling with severe mental illnesses, or drug and alcohol addiction; and

Whereas, the Playhouse is a program of Bridgeway that serves over 400 children and youth per year through alcohol and drug awareness classes taught in Cleveland schools; and

Whereas, the Playhouse program reaches an additional 400 youth in its after school program, which includes drama, dance, sports and field trips; and

Whereas, 468 children have participated in the Playhouse after school activities in the last 9 months alone; and

Whereas, the Playhouse program has kept youth off the streets and away from drugs, alcohol and street violence for the last 15 years; and

Whereas, programs run by the Playhouse cost less than \$250 per youth per year; and

Whereas, the Alcohol and Drug Addiction Services Board of Cuyahoga County has suddenly decided to cut funding for Brigeway's Playhouse program; and

Whereas, the proposed cuts in funding will shut down the Playhouse program, putting an end to the Playhouse as a safe haven for Cleveland youth and effectively putting more than 400 children and youth back on the streets, significantly increasing the chances that they will become involved in drug and/or alcohol abuse, gang related activity and other risky or illegal behavior; 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 proposed cuts in funding to Bridgeway's Playhouse program, an Alcohol and Drug Addiction Prevention Program for Children and Youth and urges the Alcohol and Drug Addiction Services Board of Cuyahoga County to reinstate such funds for this worthwhile program.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to all members of the Alcohol and Drug Addiction Services Board of Cuyahoga County, to David J. Lundeen, President and CEO of Bridgeway and to Cuyahoga County Commissioners Lawson Jones, Dimorra and Hagan.

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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 927-05.

By Council Members Zone, Britt, Brady, Westbrook, Sweeney, Jackson, Gordon, Cimperman, Lewis, White and Coats.

An emergency resolution opposing tax and expenditure limitation proposals, whether by constitutional amendment or other means and supporting the principle of representative democracy as the best route to sound state and local public policy.

Whereas, various elected officials, organizations and individuals are endorsing proposals to amend the Ohio Constitution to institute constitutionally mandated Tax Expenditure Limitations (TEL) at the state and local levels of government ; and

Whereas, one such proposal is commonly known as "Taxpayers Bill of Rights (TABOR)"; or Tax Expenditure Limitation (TEL) and

Whereas, those states that have instituted proposals similar to the Tax Expenditure Limitations' Law, such as Colorado, now face severe problems in meeting the basic needs by reducing expenditures for K-12 education support, reduction of spending for higher education, reduction of expenditures for immunizations and pre-natal care, for its citizenry and are seeking to override constitutionally mandated spending restrictions; and

Whereas, such TEL proposals would severely limit fiscal management options of elected state and local leaders in times of crisis and other unpredictable circumstances, putting state and local governments on "auto pilot" and circumventing thoughtful and deliberative consideration of policy decisions; and

Whereas, such TEL proposals could override state constitutional provisions requiring certain expenditures to support education and the use of gas taxes; and

Whereas, such TEL proposals in Ohio would reduce funding for education, health care, police, fire protection, social services and economic development; by limiting annual aggregate state expenditures increases from the previous years expenditures by the sum of the rate of inflation and the rate of population change, or 3.5 percent; and

Whereas, such TEL proposals would prevent local officials from changing priorities and subvert the ability of legislators to set tax policy they were elected to make by allowing for mandated expenditure responses as required by the TEL proposal; and

Whereas, such TEL proposals will require the state expenditures to be increasingly allocated as matching funds for federal programs as a result of mandated expenditure limitations for state supported programs; and

Whereas, TABOR and other tax and expenditure limitation (TEL) legislation bring great harm to local communities through continued reductions in state funding, erode decision-making at the local level and the ability to provide the basic services residents and businesses expect and deserve; and

Whereas, such proposals would force the state and local governments to spend valuable time and money asking for permission from the same people who elected them before any action can be taken on important issues, and would also force taxpayers to pay twice for governance - once for elections of their state and local officials and again for elections to make the decisions those officials should have already made; and

Whereas, this Council believes that state and local elected officials are elected to do a job, which is to represent the interests of their constituents, to deal with difficult decisions, and to thoughtfully debate and determine the best course of action for the state or the community in which they serve; 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 tax and expenditure limitation proposals, whether by constitutional amendment or other means and supports the principle of representative democracy as the best route to sound public policy.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Robert Taft, Governor, Ken Blackwell, Secretary of State, Jon Husted, Speaker, Ohio House of Representatives, Bill Harris, President, Ohio Senate, C.J. Prentiss Minority Leader, Ohio Senate, Chris Redfern, Minority Leader, Ohio Senate, to all members of the state legislature representing Cuyahoga County, and Susan Cave, Executive Director, 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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 929-05.

By Council Member Conwell.
An emergency resolution urging the federal government to intervene to protect to automobile industry in the United States

Whereas, this Council believes that the economy in Ohio, as in the United States, is near collapse, with thousands of jobs lost daily in all

areas of industry, including the automobile, machine and steel industries; and

Whereas, certain stop-gap measures should be adopted and implemented by Congress to forestall the presently threatened, irreparable damage to our nation's physical economy, which is typified by the presently accelerating crisis in the U.S. automobile industry; and

Whereas, the U.S. automobile industry is \$475 billion dollars in debt, and its bond rating has been recently lowered to junk bond status, making filing for bankruptcy by the leading automobile manufacturers a very real possibility; and

Whereas, it is conceivable that the automobile industry's leading manufacturers could close most, if not all its factories in the United States, including in Ohio; and

Whereas, the closing down of even some of the automobile factories, including the shut down of machine tool production, would mean both the end of the United States as a leading physical economic power and cause chain reaction damage to the world economy; and

Whereas, the U.S. Congress has the capability to intervene on behalf of the automobile industry to ensure that the continued employment of that industry's labor force remains functioning in each and every present locality of employment; and

Whereas, this Council believes that the U.S. Congress can and must intervene, on behalf of national and related interests, to ensure that the productive potential of the automobile industry, with its featured high technology and machine tool capability, be held together in place and intact; and

Whereas, the impact of such Congressional intervention on the City of Cleveland will be thousands of new jobs repairing infrastructure, maintenance of automobile production jobs, restoration of the tax base and ultimately, an increase in the standard of living in the City; 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 urges the federal government to intervene to protect to automobile industry in the United States.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to all members of the U.S. Congress and to President George W. Bush.

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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Council Member Rybka left the meeting.

Council Member White entered the meeting.

Council Member Conwell entered the meeting.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 356-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to perform miscellaneous building maintenance services, for the various divisions of the Department of Public Utilities, for a period of two years.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 357-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, for the Division of Public Power, Department of Public Utilities for a period of two years.

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

1. In the title, line 7, strike "for a period of two years".
2. In Section 1, line 3, strike "two-year" and insert "one-year".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 358-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper products necessary for billing, for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In Section 1, line 3, strike "or two"; and strike lines 12, 13, 14, and 15 in their entirety.

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 411-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test and refurbish existing unit process equipment and chemical feeding equipment, including appurtenances, for the Division of Water, Department of Public Utilities.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 462-05.

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

An emergency ordinance determining the method of making the public improvement of constructing runway configurations at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. Insert new Section 3 to read as follows:

"Section 3. That the Director of Port Control is authorized to enter into one or more agreements with federal or regulatory entities necessary and to pay or reimburse directly related costs incurred by such entities for the purpose of making the improvement."

2. Renumber existing Sections 3 and 4 to new "Section 4" and "Section 5".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 465-05.

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

An emergency ordinance determining the method of making the public improvement of constructing the Centralized Deicing Facility Common Use Pad, Deicing Pad 4, and all associated appurtenances; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director of Port Control to employ one or more professional consultants to maintain, operate, and manage the deicing pad.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In the title, strike the last line in its entirety and insert the following: **"manage spent deicing fluid and enter into management agreements with third party operators selected by the airlines."**

2. In Section 3, strike the first paragraph in its entirety and insert the following:

"Section 3. That, provided the City receives federal grants, federal PFC authorization, or sells airport revenue bonds that includes this project, the Director of Port Control is authorized to employ by contract or contracts one or more environmental consultants or one or more firms of environmental 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 sample, analyze, collect, recycle and dispose of spent deicing fluid for a period not to exceed three (3) years."

3. Insert new Section 4 to read as follows:

"Section 4. That, provided the City receives federal grants, federal PFC authorization, or sells airport revenue bonds that include this project, the Director of Port Control is authorized to enter into a management agreement or similar type agreement with those third party operators as selected from time to time by the airlines to provide deicing type services at the airport."

2. Renumber existing Sections 4 and 5 to new "Section 5" and "Section 6".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 581-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the Project Safe Neighborhood, Ballistics Identification System.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 591-05.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Moulton Avenue to Cleveland Municipal School District.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 631-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a gift from Akoura Biometrics of a fingerprint protection system to protect sensitive information and programs on laptops, desktops, and servers for a limited number of users, including technical support and training.

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

1. In Section 2, line 2, between "agreement" and "with" insert **"for a term not to exceed two years;"** and at the end of the section, add the following: **"Any agreement entered into under the authority of this ordinance shall be placed in the legislative file."**

2. Insert new Section 4 to read as follows:

"Section 4. That within one year after the passage of this ordinance, the Director of Finance shall report to this Council on the merits of the Akoura Biometrics system being provided to the City under the authority of this ordinance."

3. Renumber existing Section 4 to new **"Section 5."**

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 642-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to assess the City's budget requirements, recommend a comprehensive budget program, design the accepted recommendations, acquire the program, and for training, support, and maintenance for a period of two years.

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

1. In the title, line 7, and in Section 2, line 5, after "program," insert **"Installation and implementation,"**

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 643-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including apertures, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.

Approved by Directors of Public Utilities, Finance, Law; Passage rec-

ommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 644-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain vac-all trucks, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 653-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition and Board-up Programs; and authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs.

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

1. In Section 2, at the end, add the following: **"That any contract entered into under this ordinance, shall not include the demolition of Madonna Hall located at East 72nd and Chester."**

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 709-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Fair Housing Program; and authorizing the Director of Community Relations to enter into one or more contracts with various agencies to implement this program.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 711-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance; and authorizing the

Director of Consumer Affairs to enter into one or more contracts with various entities to provide assistance to City residents.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 713-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Gordon Square Homes, L.P., or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the acquisition and development of the Gordon Square Homes apartment project.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 715-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 720-05.

By Council Member Jackson (by departmental request).

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$6,380,000 for the purpose of providing funds to improve Municipal Parks and Recreation facilities; and the issuance of notes in anticipation of those Bonds.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 723-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the issuance of unvoted general obligation Bonds in the maximum principal amount of \$16,900,000 for the purpose of providing funds to improve the Municipal Street System and the issuance of notes in anticipation of those Bonds.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 724-05.

By Council Member Cimperman. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Jefferson Avenue to Thomas P. Leneghan.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 754-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the issuance and sale of Water Revenue Bonds of the city in a principal amount not to exceed \$100,000,000 for the purpose of refunding outstanding Water Revenue Bonds, authorizing a supplemental indenture to supplement the amended and restated trust indenture securing outstanding Water Revenue Bonds of the city, authorizing related matters, and declaring an emergency.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 755-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain Group V high volume copiers, including usage, operational supplies and equipment, for the various divisions of City government, for a one year period.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 762-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase, lease or lease to purchase by requirement contract of various types of heavy duty vehicles and apparatus for various Divisions in the Departments of Public Service, Parks, Recreation and Properties, and Public Safety.

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

1. In Section 1, at the end, add the following: **"That pursuant to Section 108(b) of the Charter, the purchases, leases or leases to purchase authorized by this ordinance may be**

made through cooperative agreements using State procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process."

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 767-05.

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

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 769-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 770-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 783-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 485-03, passed March 31, 2003; and authorizing the Director of Finance to enter into an amendment to Contract No. 61226 with Oracle Corporation, to extend the term for not to exceed two years.

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

1. In the title, at the end, strike the period and insert: **", or alternatively, to enter into a new contract or contracts for the software licenses and products for a period not to exceed two years."**

2. In Section 1, at amended Section 1, line 4, after "agreements" insert **"or contract extensions";** and in line 8, after "(4) years," insert **"in total at a cost of not to exceed \$150,000 per year, or alternatively, to enter into a new contract or contracts for a two-year period for the software licenses and products, also at a cost of not to exceed \$150,000 per year,"**

3. In Section 3, line 1, after "That" insert **"for the acquisition of the software licenses and additional products,";** and at the end of the section, strike the period and insert the following: **", or alternatively, to enter into a new contract or contracts for a two-year period commencing in May 2005, also as authorized in Section 1 of this ordinance."**

4. In Section 4, line 1, strike "amendment" and insert **"contract amendment or the new two-year contract"**.

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 829-05.

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

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

Approved by Directors of Public Service, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committee on Finance; when amended as follows:

1. In Section 1, line 7, strike "\$11,311,548.00" and insert **"\$11,349,048.00"**.

2. In Section 1, at the chart entitled "Enterprise Fund", after the line for the Water Pollution vehicle for "Crew Cab 4x4 Pick-Up Trucks" insert the following new vehicle:

"Sweeper/Scrubber Water Pollution Control 1 37,500.00 37,500.00"

3. In Section 1, at the total for the Enterprise Fund vehicles, on page 4, strike "118" and insert **"119"** and strike "\$5,929,548.00" and insert **"5,967,048.00"**.

4. On page 4, at the line entitled "GRAND TOTAL" strike "\$11,311,548.00" and insert "\$11,349,048.00". Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Council Member Polensek entered the meeting.

MOTION

By Council Member Johnson, seconded by Council Member Gordon and unanimously carried that the absence of Council Members Joseph T. Jones, Sabra Pierce Scott and Zachary Reed, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:56 p.m. to meet on Monday, May 16, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 4, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 4, 2005, at 10:30 a.m. with Director Beasley presiding.

Present: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Absent: Mayor Campbell and Director Taylor.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 212-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distribu-

tors, Inc., d.b.a. Leader Electric Supply Co., for an estimated quantity of lamps, 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 April 13, 2005 pursuant to the authority of Ordinance No. 267-05, passed March 21, 2005, which on the basis of the estimated quantity would amount to One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) (1% 30 Days), 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. 158909 which shall be certified against such contract in the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00).

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: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None. Absent: Mayor Campbell and Director Taylor.

Resolution No. 213-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of JCI Jones Chemicals, Inc. for an estimated quantity of sodium hypochlorite solution (items 1A and 1B) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 25th day of February, 2005, under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Two Million Eight Hundred Thousand One Hundred Forty and 00/100 Dollars (\$2,800,140.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159341 which shall be certified against the contract in the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00).

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

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw,

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

Nays: None. Absent: Mayor Campbell and Director Taylor.

Resolution No. 214-05.

By Director Mok.

Whereas, Section 571.88 of the Codified Ordinances of Cleveland, Ohio, 1976 provides that the Board of Control shall set the Rental Fee Schedule for meeting room space at Burke Lakefront and Cleveland Hopkins International Airports; and Whereas, Board of Control Resolution No. 182-05, adopted April 20, 2005, incorrectly stated certain fees for meeting room space at Burke Lakefront Airport, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 182-05, adopted by this Board April 20, 2005, under the authority of Section 571.88 of the Codified Ordinances of Cleveland, Ohio, 1976, setting the Rental Fee Schedule for meeting room space at Burke Lakefront and Cleveland Hopkins International Airports, is amended by deleting the fees stated for Burke Lakefront Airport meeting room space and substituting the following:

Location	Daily Event Charges (Not to Exceed)
BURKE LAKEFRONT AIRPORT	
Main Lobby/ West	
Concourse	\$1,000.00
Second floor banquet room	\$ 700.00
Conference rooms	\$ 250.00

Be it further resolved that all other provisions of Resolution No. 182-05 not expressly amended by this resolution shall remain unchanged and in full force and effect for the period from May 1, 2005 through April 30, 2006.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None. Absent: Mayor Campbell and Director Taylor.

Resolution No. 215-05.

By Director Mok.

Whereas, under the authority of Ordinance No. 1469-97, passed by Cleveland City Council on September 22, 1997, the City of Cleveland entered into a contract with Marconi Aerospace Defense Systems, Inc., ("Marconi"), City Contract No. 55705, for the design and installation of software upgrades and required associated equipment to upgrade the noise monitoring system at Cleveland Hopkins International Airport; and

Whereas, on March 21, 2005 Marconi notified the City that it has changed its name to BAE Systems Integrated Defense Solutions, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the notification of Marconi this Board acknowledges the name change of Marconi Aerospace Defense Systems, Inc. under City Contract No. 55705 for the design

and installation of software upgrades and required associated equipment to upgrade the noise monitoring system at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is authorized to complete and execute all documents and do all acts necessary to effect the acknowledgement of such name change with respect to City Contract No. 55705.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 216-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of gasoline item 2(a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on April 1, 2005, pursuant to the authority of Ordinance No. 764-04, passed by the Council of the City of Cleveland on May 17, 2004, which on the basis of the estimated quantity would amount to One Million Nine Hundred Twenty Four Thousand Six Hundred Forty Six and no/100 Dollars (\$1,924,646.00) (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. 154155

which shall be certified against such contract in the sum of Four Hundred Fifty Thousand and no/100 Dollars (\$450,000.00).

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

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 217-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of gasoline, item 1(a, b) and item 3(a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on April 1, 2005, under the authority of Ordinance No. 764-04, passed by the Council of the City of Cleveland on

May 17, 2004, which on the basis of the estimated quantity would amount to One Million Seven Hundred Ninety Thousand Eight Hundred Forty and 00/100 Dollars (\$1,790,840.00) (0% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154154

which shall be certified against the contract in the sum of Four Hundred Fifty Thousand and no/100 Dollars (\$450,000.00).

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

Be it further resolved that the employment of the following subcontractor by Petroleum Traders Corporation under the contract authorized above is approved:

<u>Subcontractor</u>	<u>Percentage Amount</u>
American Merchandising Services	1.5% \$26,862.60

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 218-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Oshkosh Truck Corporation for an estimated quantity of runway snow blowers, 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 March 9, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to Three Hundred Eighty-One Thousand One Hundred Sixty-Four and 00/100 Dollars (\$381,164.00) (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154138

which shall be certified against the contract in the sum of Three Hundred Eighty-One Thousand One Hundred Sixty-Four and 00/100 Dollars (\$381,164.00).

The requirement contract shall further provide that the Contractor shall furnish the remainder of the

City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 219-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction Company, Inc., for the public improvement of the building improvements for the Ridge Road Transfer Station overhead door replacement, base bid, for the Department of Public Service, received on April 8, 2005, under the authority of Ordinance No. 833-02, passed June 3, 2002, for a gross price for the improvement in the aggregate amount of Thirty Three Thousand Five Hundred and no/100 Dollars (\$33,500.00), is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction Company, Inc. is approved:

<u>Subcontractor</u> <u>MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Dunlop Industries, Inc. FBE	\$ 3,400 10.45%
J & L Door Service	\$ 9,900 29.56%

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 220-05.

By Directors Ricchiuto and Rush.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Precision Engineering & Contracting, Inc. for the public improvement of West 89th Street Sewer Project, for the Division of Engineering and Construction, Departments of Public Service and Community Development received on March 31, 2005, under the authority of Ordinance No. 284-05, passed by the Cleveland City Council March 28, 2005, upon a unit basis for the improvement, in the aggregate amount of \$369,475.45, is affirmed and approved as the lowest responsible bid; and the Directors of Public Service and Community Development authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Precision Engineer-

ing & Contracting, Inc. for the above mentioned public improvement is approved:

McTech Corp., d.b.a. Tech Ready Mix
5000 Crayton Avenue
Cleveland, Ohio 44101
MBE — (20% Rule) \$7,204.80 —
1.95%

Interstate Safety & Service Co., Inc.
3566 East 55h Street
Cleveland, Ohio 44105
FBE — (20% Rule) \$647.40 — 0.17%

Julian Supply Company
16300 Waterloo
Cleveland, Ohio 44121
MBE — \$3,222.00 — 0.00%

Carron Asphalt Paving, Inc.
7615 Bond Street
Cleveland, OH 44139
\$34,251.00 — 9.27%

Trafftech, Inc.
1754 East 47th Street
Cleveland, OH 44103
\$3,222.00 — 0.49%

TriMor, Corp.
8530 North Boyle Parkway
Twinsburg, OH 44087
\$44,877.50 — 12.15%

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Mayor Campbell and Director Taylor.

Resolution No. 221-05.

By Director Watson.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1086-04, passed by the Council of the City of Cleveland, on August 11, 2004, MTG Management Consultants, is hereby selected upon the nomination of the Director of Public Safety from a list of professional consultants, after a full and complete canvass by said Director, as the professional services provider to be employed by contract for the purpose of providing professional project management services related to the Public Safety Systems Automation Project for the Department of Public Safety.

Be it further resolved that the Director of Public Safety is hereby requested to enter into written contract with MTG Management Consultants based upon its proposal dated March 14, 2005, which contract shall be prepared by the Director of Law, shall provide for professional project management services as described in such proposal and shall contain additional terms and conditions the Director of Law deems necessary to protect and benefit the public interest. The fee for the services to be rendered under the contract authorized shall not exceed \$816,295.00.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Mayor Campbell and Director Taylor.

Resolution No. 222-05.

By Director Ronayne.

Whereas, on April 6, 2005, this Board of Control adopted Resolution No. 163-05, authorizing the Director of Parks, Recreation and Properties to enter into a Standard Contract with Fitness Brokers Company for various fitness equipment and maintenance service for the equipment, in the amount of \$35,000.00; and

Whereas, in the resolution, the description of Item No. 1 and the contract amount were incorrectly stated; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 163-05, adopted April 6, 2005, is amended by deleting "and maintenance service for such equipment" and by deleting "Thirty-Five Thousand Dollars and zero cents (\$35,000.00)" and substituting "\$22,425.00".

Be it further resolved that all other provisions of Resolution No. 163-05 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Mayor Campbell and Director Taylor.

Resolution No. 223-05.

By Director Rush.

Whereas, pursuant to Ordinance 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. 109-10-123 located at East 101st Street in Ward 8; 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, Horizon Construction, LTD, 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 8 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 Horizon Construction, LTD for the sale and

development of Permanent Parcel No. 109-10-123 (Part of) located at East 101st Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Mayor Campbell and Director Taylor.

Resolution No. 224-05.

By Director Rush.

Whereas, pursuant to Ordinance 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 Nos. 103-22-102, 103-22-068 and 103-31-004 located at East 37th Street in Ward 5; 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, Burten, Bell, Carr Development, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcels 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 Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel Nos. 103-22-102, 103-22-068 and 103-31-004 located at East 37th Street, 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 parcels shall be \$100.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 225-05.

By Director Rush.

Whereas, pursuant to Ordinance 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. 004-03-063 located at West 20th Street in Ward 14; 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, Peter J. Wallish, 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 14 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 Peter J. Wallish, for the sale and development of Permanent Parcel No. 004-03-063 located at West 20th Street, 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 \$700.00, 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: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 226-05.

By Director Watson.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 176-A-05, passed by the Council of the City of

Cleveland on May 2, 2005, the firm of ACS State and Local Solutions, Inc. ("Consultants") is selected upon the nomination of the Director of Public Safety from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Safety as the firm of consultants to be employed by contract for the purpose of supplementing the regularly employed staff of the Department of Public Safety to provide the professional services to assist the Director of Public Safety in implementing the traffic signal enforcement program, including, among other things, installing, and maintaining automated cameras and associated equipment to identify and photograph red light and speeding violators, and sending notices.

Be it further resolved, that the Director of Public Safety is authorized to enter into a written contract with ACS State and Local Solutions, Inc., for a term not to exceed five years, based upon its proposal dated January 18, 2005 and the amendment to the proposal dated May 2, 2005, which contract shall be prepared by the Director of Law and shall include such additional provisions as she deems necessary to benefit and protect the public interest. The compensation to Consultant under the contract authorized shall be based on the monthly rates stated in the proposal and is presently estimated to be \$17,000,000 for the term.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 227-05.

By Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that under Ordinance No. 229-05, passed by the Cleveland City Council on March 7, 2005, J. A. Consulting ("Consultant") is selected, upon the nomination of the Director of Public Health from a list of qualified consultants available for such employment and determined after a full and completed canvass by the Director, as the Licensed Residential Assessment agency to be employed by contract for the purpose of providing professional residential assessment services for the "Get the Lead Out Program" Limited Inspection and Minor Repair Initiative (LIMRI) benefiting low income families with children under age six.

Be it further resolved that the Director of Public Health is authorized to enter into a written contract with J. A. Consulting, based on its April 25, 2005 proposal, for residential assessment services for the term starting May 1, 2005 and ending June 30, 2005, unless extended by the Director under authority of the ordinance. The Director of Law shall prepare the contract authorized above which shall provide for a fee for the services rendered of approximately \$20,000, but not exceeding \$30,000, and shall include additional terms and conditions the Director of Law considers necessary

to protect and benefit the public interest.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 228-05.

By Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that under Ordinance No. 229-05, passed by the Cleveland City Council on March 7, 2005, GETCO Environmental Consultants ("Consultant") is selected, upon the nomination of the Director of Public Health from a list of qualified consultants available for such employment and determined after a full and completed canvass by the Director, as the Licensed Residential Assessment agency to be employed by contract for the purpose of providing professional residential assessment services for the "Get the Lead Out Program" Limited Inspection and Minor Repair Initiative (LIMRI) benefiting low income families with children under age six.

Be it further resolved that the Director of Public Health is authorized to enter into a written contract with GETCO Environmental Consultants, based on its April 25, 2005 proposal, for residential assessment services for the term starting May 1, 2005 and ending June 30, 2005, unless extended by the Director under authority of the ordinance. The Director of Law shall prepare the contract authorized above which shall provide for a fee for the services rendered of approximately \$20,000, but not exceeding \$30,000, and shall include additional terms and conditions the Director of Law considers necessary to protect and benefit the public interest.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Mayor Campbell and Director Taylor.

Resolution No. 229-05.

By Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that under Ordinance No. 229-05, passed by the Cleveland City Council on March 7, 2005, Northstar Environmental Group ("Consultant") is selected, upon the nomination of the Director of Public Health from a list of qualified consultants available for such employment and determined after a full and completed canvass by the Director, as the Licensed Residential Assessment agency to be employed by contract for the purpose of providing professional residential assessment services for the "Get the Lead Out Program" Limited Inspection and Minor Repair Initiative (LIMRI) benefiting low income families with children under age six.

Be it further resolved that the Director of Public Health is authorized to enter into a written contract

with Northstar Environmental Group, based on its April 25, 2005 proposal, for residential assessment services for the term starting May 1, 2005 and ending June 30, 2005, unless extended by the Director under authority of the ordinance. The Director of Law shall prepare the contract authorized above which shall provide for a fee for the services rendered of approximately \$20,000, but not exceeding \$30,000, and shall include additional terms and conditions the Director of Law considers necessary to protect and benefit the public interest.

Yeas: Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Mayor Campbell and Director Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 23, 2005

9:30 A.M.

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

North Coast Payphones, Inc./ClevePhones, Inc. and Howard Meister, appeal under authority of Section 76-6 of the Charter of the City of Cleveland from a decision of the Commissioner of Assessments and Licenses to deny multi-

ple (55) payphone permit applications, identified in writing by correspondence to the appellant dated December 7, 2004.

Ward 1
4159 Lee Rd. w/n 500' of permitted phone

Ward 2
3790 E. 116th St. — violates liquor provision
3661 E. 93rd St. — w/n 5' of ingress/egress
3831 E. 93rd St. — violates liquor provision
4055 E. 93rd St. — violates liquor provision
13411 Miles Ave. — violates liquor provision

Ward 3
3852 MLK Blvd. — vacant lot

Ward 4
13108 Buckeye Rd. — vacant building
2976 E. 116th St. — violates liquor provision
3111 E. 93rd St. — violates liquor provision
12914 Griffing — violates liquor provision

Ward 5
5474 Broadway — vacant building
3337 Central Ave. — 5' from egress/ingress
3210 E. 49th St. — vacant building
6017 Quincy Ave. — vacant lot
6206 Woodland — 500' from permit #103
8315 Woodland — violates liquor provision

Ward 6
7701 Cedar Ave. — 500' of permitted payphone
7901 Cedar Ave. — 500' of permitted payphone
5498 Chester Ave. — 500' of permitted payphone
2249 E. 105th St. — vacant building/lot
2609 E. 110th St. — violates liquor provision
9209 Quincy Ave. — violates liquor provision

Ward 7
1136 E. 79th St. — vacant building
1210 E. 79th St. — vacant building
8023 Superior — violates liquor provision
7305 Superior — nuisance as of 11-23-04

Ward 8
10305 St. Clair Ave. — 500' of permitted payphone

Ward 9
11701 St. Clair — violates liquor provision
12200 St. Clair — violates liquor provision

Ward 10
14339 St. Clair — vacant building
15521 St. Clair — 500' of permitted payphone

Ward 12
6405 Fleet Ave. — violates liquor provision
7180 Union Ave. — violates liquor provision

Ward 13
4423 Detroit Ave. — 5' from ingress/egress

3133 Payne Ave. — violates liquor provision
6029 Superior Ave. — violates liquor provision

Ward 14
3335 Fulton Rd. — violates liquor provision
3203 W. 25th St. — 500' from permit #7
3332 W. 32nd St. — 3' from dumpster gate obstructs pedestrian and/or vehicular traffic for dumpster

Ward 15
2044 Broadview Rd. — 500' from permit #134
3556 Fulton Rd. — violates liquor provision

Ward 16
4540 Broadview — 500' from permit #135
5741 Memphis — w/n 5' of parking egress

Ward 17
7518 Lorain Ave. — vacant lot
5802 Lorain Ave. — nuisance as of 11-23-04

Ward 18
8594 Detroit Ave. — vacant building 500' from permit #143

Ward 19
3590 Bosworth Ave. — violates liquor provision
12204 Lorain Ave. — vacant building — 500' of permitted payphone
12520 Lorain Ave. — violates liquor provision

Ward 20
4606 W. 130th St. — violates liquor provision

Ward 21
14053 Lorain Ave. — violates liquor provision

Calendar No. 04-330: Appeal of North Coast Payphones, Inc./ClevePhones, Inc.
North Coast Payphones/ClevePhones, Inc. c/o Howard Meister, president, appeal under Section 76-6 of the Charter of the City of Cleveland from an order to remove outdoor payphones from thirteen (13) sites, identified by the Commissioner of Assessments and Licenses on December 14, 2004, under the authority of Section 670B.06, where the appellant is ordered to remove the payphones that have been declared a nuisance by the Director of Public Safety.

Ward 5
3939 Community College Ave.
3939 Community College Ave.

Ward 6
East 121st and Larchmere

Ward 7
79th and Cornelia
74th and Superior
74th and Superior
74th and Superior
77th and Superior — Permit #155
79th and Superior
79th and Wade Park — Permit #41
84th and Superior — Permit #93

Ward 17
58th and Lorain
58th and Lorain

Calendar No. 05-2: Appeal of North Coast Payphones, Inc./ClevePhones, Inc.

Howard Meister, president of North Coast Payphones/ClevePhones, Inc., appeals under Section 76-6 of the Charter of the City of Cleveland from an order issued by the Commissioner of Assessments and Licenses, under authority of Section 670B.06 by written communication dated December 27, 2004, to remove nineteen (19) outdoor payphones declared to be a nuisance by the Director of Public Safety at the following locations:

12520 Lorain Ave. — Ward 19
 14053 Lorain Ave. — Ward 21
 17136 Lorain Ave. — Ward 21
 15315 Bartlett Ave. — Ward 3
 15315 Bartlett Ave. — Ward 3
 3111 East 93rd St. — Ward 4
 3111 East 93rd St. — Ward 4
 12914 Griffing Ave. — Ward 6
 2249 East 105th St. — Ward 6
 7901 Cedar Ave. — Ward 6
 1210 East 79th St. — Ward 7
 6206 Woodland Ave. — Ward 5
 8315 Woodland Ave. — Ward 6
 15208 Lakeshore Blvd. — Ward 11
 3332 West 32nd St. — Ward 14
 3767 Community College (permit 1206) — Ward 5
 1166 East 123rd St. (permit 1218) — Ward 9
 3502 Walton Ave. (permit 1216) — Ward 14
 15521 St. Clair Ave. — Ward 10

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 9, 2005

At the meeting of the Board of Zoning Appeals on Monday, May 9, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 05-76: 6712-18 Bayliss Avenue
 Victor Bondar appealed to install a 4' high chain link fence across the front and along the front yard setback of a 91' x 87' lot in a Multi-Family District.

Calendar No. 05-115: 1070 East 152nd Street
 City of Cleveland Department of Parks, Recreation and Properties appealed to construct an Outdoor Athletic Complex in a General Industry District.

The following appeal was **Denied**:

Calendar No. 05-54: 10004-6 Adams Avenue
 Elaine and Terrence McKellar appealed to change from a two family residence to an adult care home in a Two-Family District.

The following appeal was **Dismissed**:

Calendar No. 05-75: Appeal of Sarossy Tibor
 Sarossy Tibor appealed under Section 76-6 of the Charter of the

City of Cleveland from the revocation of a City of Cleveland Hack License.

The following appeals were **Postponed**:

Calendar No. 05-74: Appeal of North Coast Payphones, 4159 Lee Road, 4360 Lee Road - Permit #70 postponed to May 23, 2005.

Calendar No. 05-80: Violation Notice — 11802 Kinsman Road postponed to May 31, 2005.

In Executive Session on May 9, 2005, the following appeals heard by the Board on May 2, 2005 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 05-67: 2125 East 89th Street
 Antioch Baptist Church appealed to install a freestanding V-Shaped, illuminated church bulletin board on a corner lot in a Local Retail Business District.

Calendar No. 05-73: 1859 West 25th Street
 Heil Building Inc. appealed for a change of use to provide live entertainment in an existing mixed use building where there are three dwelling units, a store and a bar; with conditions.

Calendar No. 05-11: 4526 Turney Road
 Elias Semaan appealed to change the use from a store and one dwelling unit to a day care center in a Local Retail Business District.

Calendar No. 05-25: 11723-25 Union Avenue
 Mary Robinson appealed to change the use from a commercial store and one dwelling unit to a restaurant and a cell phone service store in a B1 Two-Family District.

The following appeal was **Dismissed**:

Calendar No. 05-68: 1033 Ivanhoe Road
 Allen Harrison appealed to expand and include outside storage with the use of a mixed use building in a Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 4, 2005

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-28-05.

RE: Appeal of Al Avery — Ruby's Deli Inc., Owner of the Property located on the premises known as 7038 Wade Park Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 18, 2005, 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 variance and permit the building to be constructed as indicated on the drawings, noting that this does not relieve the Appellant of any Federal ADA requirements; 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. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-35-05.

RE: Appeal of Michael Scordos, Owner of the Property located on the premises known as 3285 West 30th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated March 28, 2005, 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 require the Appellant to submit testing data to the Fire Prevention Bureau; and to require the Appellant to remove the trailers from their present location; the property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-36-05.

RE: Appeal of Dollar Bank, Mortgagee of the Two & One-half Story Residential Property located on the premises known as 12301 Watterson Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated March 17, 2005, 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 until August 01st, 2005 in which to abate the violations on the property; and to require that the property be maintained boarded and secured and the grounds debris free during that period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

Docket A-38-05.

RE: Appeal of Helen Harris Moore, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 385 East 123rd Street from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Director of the Department of Building and Housing, dated March 11, 2005, 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 until June 10th, 2005 in which to abate all the violations on the property; 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. Gallagher and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley 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-31-05—LDV, Inc.
- A-32-05—Joseph Maalouf
- A-33-05—City of Cleveland
- A-37-05—Otis Associates

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley 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):

April 20, 2005

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, MAY 18, 2005

Purchase of Auto/Truck Frame Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 275-05, passed by the Council of the City of Cleveland, March 14, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY MAY 12, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Spring Parts and Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 926-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY MAY 12, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

May 4, 2005 and May 11, 2005

THURSDAY, MAY 19, 2005

First Aid Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 635-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY MAY 13, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Landscape Materials, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 637-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY MAY 13, 2005 AT 10:30 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 4, 2005 and May 11, 2005

WEDNESDAY, MAY 25, 2005

Construction of the Employee Parking Lot and Related Facilities at the Riveredge Site (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 912-2000, passed by the Council of the City of Cleveland, July 18, 2001.

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

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, MAY 12, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

Medical Supplies and Equipment, for the Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 2232-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY MAY 16, 2005 AT 10:00 A.M., EMS HEADQUARTERS, 1708 SOUTH POINT DRIVE, 9TH FLOOR, CLEVELAND, OHIO 44109.

May 4, 2005 and May 11, 2005

WEDNESDAY, MAY 25, 2005

Bump Taylor Football Field Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 278-05, passed by the Council of the City of Cleveland, March 21, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 19, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 2nd FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

May 11, 2005 and May 18, 2005

THURSDAY, MAY 26, 2005

Lee Road Rehabilitation/Mill & Fill Project, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 828-05, pending.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 19, 2005 AT 10:00 A.M., ROOM 518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

May 11, 2005 and May 18, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 786-05.

By Council Member Sweeney.

An emergency resolution objecting to a New C1 Liquor Permit at 13951 Triskett Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Holland Oil Company, 13951 Triskett Road, Cleveland, Ohio 44111, Permanent Number 39232320230; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Holland Oil Company, 13951 Triskett Road, Cleveland, Ohio 44111, Permanent Number 39232320230; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 25, 2005.

Effective April 29, 2005.

Res. No. 787-05.

By Council Member Jackson.

An emergency resolution terminating the employment of Rick Nagin pursuant to Section 31 of the Charter of the City of Cleveland.

Whereas, Section 31 of the Charter of the City of Cleveland states "[t]he Council shall choose a Clerk and such other officers and employees of its own body as are necessary .. [a]ll such officers and employees chosen by the Council shall serve during the pleasure thereof"; and

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

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

Section 1. That this Council, pursuant to Charter Section 31, terminates the employment of Rick Nagin.

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

Adopted April 25, 2005.

Effective April 29, 2005, without the signature of the Mayor.

Res. No. 871-05.

By Council Members Polensek and White.

An emergency resolution condemning the recent incidents of violence and assault by school-age children and youth at the city's public schools and urging the Campbell administration and the municipal school district to enforce all laws that apply to this conduct, including those that hold parents responsible for their children's actions.

Whereas, there have been far too many reports recently of violence, assaults and rioting in schools in the Cleveland Public School system; and

Whereas, these incidents on school grounds have made increased demands on school security and the police department; and

Whereas, too many of these incidents go unreported, or, if reported, the perpetrators go unpunished because of the failure to enforce the laws currently available to help bring such perpetrators to justice; and

Whereas, several of the current laws hold parents accountable for failure to supervise their children; and

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

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

Section 1. That this Council condemns the recent incidents of violence and assault by school-age children and youth at the city's public schools and urges the Campbell administration and the municipal school district to enforce all laws that apply to this conduct, including those that hold parents responsible for their children's actions.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution Barbara Byrd Bennet, CEO of the Cleveland Municipal School District.

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

Adopted May 2, 2005.

Effective May 5, 2005.

Res. No. 872-05.

By Council Member Britt.

An emergency resolution objecting to a New C1 Liquor Permit at 2623 Woodhill Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at AIS Enterprises, Inc., D.B.A. Hill Top Deli, 2623 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 0084375; and

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

Whereas, the applicant does not qualify to be a permit, holder and/or

has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at AJS Enterprises, Inc., D.B.A. Hill Top Deli, 2623 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 0084375; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 2, 2005.
Effective May 5, 2005.

**Ord. No. 2054-04.
By Council Members Westbrook, Cimperman, and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 55208 with Fins & Feathers Seafood & Poultry Market d/b/a English Concessions for the rental of various City-owned properties at Cleveland Hopkins International Airport for providing valet services in the form of a shoe shine concession, for an additional period of five years, with one five-year option to renew.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into an amendment to Contract No. 55208 with Fins & Feathers Seafood & Poultry Market d/b/a English Concessions ("English Concessions") for rental of various City-owned properties at Cleveland Hopkins International Airport for providing valet services in the form of a shoe shine concession. The locations for each station are identified on the map placed in File No. 2054-04-B.

The lease hold premises shall be approximately forty (40) square feet of space per station in the Airport Terminal Building and additional concourse spaces as shown on the map referred to above (collectively, "Premises").

Section 2. That the term of the amendment shall be for five years, commencing on the effective date of the amendment with one option exercisable by the Director of Port Control to renew for an additional five-year period. The Director of Port Control shall notify City Council upon the exercise of this option. The amendment can be terminated or cancelled on thirty (30) days written notice by the Director.

Section 3. That English Concessions shall pay to the City as rent for the Premises defined in the above file, the amount of \$1,800.00 per month or the aggregate of ten percent (10%) of gross revenues for nonmerchandise sales and fifteen percent (15%) of gross revenues of merchandise sales, whichever is greater. The gross revenue calculation shall be computed monthly and shall be based upon the aggregate amount of gross revenues from all shoe shine locations authorized under this lease.

Section 4. That the amendment may authorize the City to allow English Concessions to make improvements to the leased premises under terms to be determined by the parties.

Section 5. That the amendment authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public 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.

Passed May 2, 2005.
Effective May 5, 2005.

**Ord. No. 127-05.
By Council Members Cintron, Johnson, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Cleveland Row-

ing Foundation, for a term of twenty-five years, with one option to renew for an additional twenty-five years, for the public purpose of providing recreation activities and amenities.

Whereas, the City of Cleveland owns certain property known as the old Conrail Bridge Tender House and adjacent property located at the base of the Carter Road Lift Bridge which is suitable for lease and operation by another party for a public use; and

Whereas, the Cleveland Rowing Foundation has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Cleveland Rowing Foundation ("Lessee"), the following property for the public purpose of providing recreation activities and amenities for the term of the lease:

PPN: 004-29-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70, and more fully described as follows:

Commencing at a stone monument found at the intersection of the centerline of Scranton Road, N.W. (60 feet wide), and the centerline of Carter Road, N.W. (60 feet wide);

Thence Southwesterly along the centerline of said Carter Road, N.W., South 74° 32' 30" West, 1,006.82 feet to a point reset from City Survey Records at an angle point in said centerline;

Thence Northeasterly along the centerline of Carter Road, N.W., North 74° 32' 30" East, 0.76 feet to a point;

Thence North 30° 13' 50" West, 30.22 feet to a point on the Northwesterly line of Carter Road, N.W., as aforesaid, and the Principal Place of Beginning for the parcel of land herein described;

Thence Southwesterly along the Northwesterly line of said Carter Road, N.W., and passing through an iron pin set 2.00 feet Southwesterly of the Principal Place of Beginning, South 58° 28' 40" West, 118.71 feet to an iron pin set at an angle point in said Northwesterly line;

Thence continuing along said Northwesterly line, South 31° 47' 26" West, 6.93 feet to a drillhole and cross set in a stone wall;

Thence North 31° 33' 47" West, 361.01 feet to an iron pin set;

Thence North 14° 38' 08" West, 48.08 feet to an iron pin set;

Thence North 31° 33' 47" West, 0.75 feet to an iron pin set in the Southerly dock line of the Cuyahoga River;

Thence Northeasterly along said Southerly dock line, North 58° 28' 40" East, 100.00 feet to a point in the

Southwesterly line of Parcel "C" of land conveyed to the City of Cleveland by deed recorded in Volume 4932, Page 287 of Cuyahoga County Deed Records;

Thence leaving said dock line Southeasterly along said Southwesterly line, South 31° 33' 47" East, 40.75 feet to a drillhole and cross set in concrete;

Thence South 43° 47' 18" East, 30.70 feet to a point at the Northwesterly corner of Parcel No. 1 of land conveyed to the Cleveland, Cincinnati, Chicago and St. Louis Railway Company by deed recorded in Volume 965, Page 390 of Cuyahoga County Deed Records;

Thence Northeasterly along the Northerly line of said Parcel No. 1, North 58° 26' 13" East, 4.50 feet to the Northeasterly corner thereof;

Thence Southeasterly along said Northeasterly line of Parcel No. 1, South 32° 19' 37" East, 150.00 feet to an iron pin set at an angle point therein;

Thence continuing Southeasterly along said Northeasterly line of Parcel No. 1, South 31° 33' 47" East, 94.00 feet to an iron pin set;

Thence continuing Southeasterly along said Northeasterly line of Parcel No. 1, South 30° 13' 50" East, 89.95 feet to the Principal Place of Beginning.

Containing 50,002 square feet or 1.1479 acres of land, more or less.

All iron pins set are 1/2" diameter and capped unless otherwise noted.

Bearings used are based on the Cleveland Regional Geodetic Coordinate System.

Section 2. That the term of the lease authorized by this ordinance shall not exceed twenty-five years, with one option to renew for an additional twenty-five years, upon mutual agreement of the parties.

Section 3. That the property described above shall be leased at a rental rate of \$1.00 and other valuable considerations, which is determined to be fair market value.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law. The terms of the lease shall be in accordance with those described in the executive summary for this legislation as amended by the Finance Committee of this Council and contained in File No. 127-05-A.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed April 25, 2005.

Effective April 29, 2005.

Ord. No. 176-A-05. (As a substitute for Ord. No. 176-05)

By Mayor Campbell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 413.031 relating to the use of automated cameras to impose civil penalties upon red light and speeding violators; and authorizing the Director of Public Safety to enter into one or more contracts with a consultant or consultants to install and maintain automated cameras.

Whereas, under Article 18, Sec. 3 of the Ohio Constitution, the City of Cleveland has all powers of local self-government; and

Whereas, the City of Cleveland exercises its powers of local self-government through its charter; and

Whereas, a fundamental purpose of local self-government is the protection of the health, safety, and welfare of the citizenry; and

Whereas, red light crashing and speeding cause needless serious injuries and death; and

Whereas, the incidence of red light running and speeding will be reduced through this program; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 413.031 to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil enforcement system established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (m). This civil enforcement system imposes monetary liability on the owner of a vehicle for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red light offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(c) *Speeding offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability does not constitute a conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other offenses and penalties not abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the

criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of camera sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Site selection.* Each site of a red light camera or fixed speed camera shall be selected by ordinance of Council properly published in the City Record amending this section to include the sites.

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty days before any given camera is made fully operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two weeks, which may run concurrently with the 30-day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Service shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by Section 4507.021 of the Revised Code ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket evaluation, public service, and appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal

or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the Ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

- 1) The motorist stops in time to avoid violating a red light indication;
- 2) The motorist proceeds through a red light indication as part of funeral procession;
- 3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;
- 4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report;

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Revised Code.

(1) *Evidence of ownership.* It is prima facie evidence that the person registered as the owner of the vehi-

cle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program oversight.* The Director of Public Safety shall oversee the program authorized by this Section. The selection of the locations of automated cameras shall be made by ordinance of Council as specified in division (g), upon nomination of the Director of Public Safety, in consultation with the appropriate council members, the Director of Public Service, the Police Traffic Commissioner, and the Commissioner of Traffic Engineering. The Director of Public Service shall oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

(n) *Rules and Regulations.* The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the City Record.

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

<i>413.031(b)</i>	
All violations	\$100.00
<i>413.031(c)</i>	
Up to 24 mph over the speed limit	\$100.00
25 mph or more over the speed limit	\$200.00
Any violation of a school or construction zone speed limit	\$200.00

Late penalties
For both offenses, if the penalty is not paid within 20 days from the date of mailing of the ticket to the offender, an additional \$20.00 shall be imposed, and if not paid with 40 days from that date, another \$40.00 shall be imposed, for a total additional penalty in such a case of \$60.00.

(p) *Definitions.* As used in this section:

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "System location" is the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(3) "Vehicle owner" is the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with a term not to exceed five years with a consultant or consultants to install

and maintain automated cameras to photograph red light and speeding violators, to send notices, and assist the Director in the implementation of this program. The Board of Control shall select the consultant or consultants and fix the compensation for services from a list of qualified vendors identified through canvass.

The contract must in all respects conform to the requirements of this ordinance. The Director of Law shall include in each contract strong provisions for cancellation in the event of default. The compensation paid to any consultant shall be on a flat fee basis and in no event shall the fee be contingent upon the number of tickets actually issued or paid.

Each contract shall provide that the consultant shall receive no payment for its services until the numbers of cameras under the 90-day plan, as described in File No. 176-A-05-A, are fully-operational and the City has received funds from paid tickets that are equal to or greater than the fees owed to the consultant under the contract.

Section 3. That any fees collected from the tickets shall be deposited in the appropriate agency fund. Any fees, including those for the consultants and the Clerk of the Cleveland Municipal Court, shall be paid out of this fund. All remaining balances in the fund shall be paid to the general fund.

Section 4. That an amount fixed by the Board of Control, which amount shall not exceed \$10.00 per paid ticket, shall be paid to the office of the Clerk of the Cleveland Municipal Court and the Parking Violations Bureau for the costs incurred by them to conduct this program.

Section 5. That the Cleveland Municipal Court or the Clerk of the Cleveland Municipal Court, through their own resources or through contract with an outside vendor, may pursue the collection of any tickets that remain unpaid after the requisite notices have been sent to the liable party and all other pre-collection obligations of the consultant or consultants employed under the authority of Section 2 are completed. The \$40.00 late penalty established by division (o) of Section 413.031 if the penalty is not paid with 40 days from the date of mailing the ticket to the offender shall be paid to the vendor employed by the Cleveland Municipal Court or its Clerk for the collection of unpaid tickets.

Section 6. That unless authorized by further legislative action, the number of red light and speed cameras shall not exceed the following:
30 fixed red light cameras
6 fixed speed on green cameras
6 mobile speed units
6 fixed speed cameras

Section 7. That the request for proposals, the contract(s) when fully-executed, and any memoranda that describe the reasons for selection of the vendor(s) shall be made part of the legislative record of this ordinance and placed in the file described above.

Section 8. That the Directors of Public Safety and Public Service shall report to the Public Safety and Public Service Committees of Coun-

cil on January 1 and July 1 of each year of this program, commencing in 2006. Each report shall describe the impact of the automated camera enforcement program on public safety and shall include a summary of the number of tickets issued, the number paid and that remain unpaid, and the number that were appealed and the results of those appeals.

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

Passed May 2, 2005.
Effective May 3, 2005.

Ord. No. 232-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to amend Contract No. 53646 with Otis Associates Limited Partnership to make modifications to the contract.

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

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

Section 1. That the Director of Community Development is authorized to enter into an amendment to Contract No. 53646 and any security documents with Otis Associates Limited Partnership, to eliminate the low-income rent reimbursement program as described in Section 5.15 of the agreement. All other loan terms contained in the original loan agreement shall remain the same.

Section 2. That the amendment to the loan agreement authorized shall be prepared by the Director of Law.

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 242-05.
By Council Member Coats.
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 501.031, relating to construction of private roads; and amending Section 501.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924, relating to penalties.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 501.031 to read as follows:

Section 501.031 Construction of Private Roads

(a) *Definitions.* "Private Road" means a privately owned or controlled and maintained drive, street, road or lane, that provides the primary means of vehicular ingress and egress to two or more parking lots, unimproved parcels, or principal buildings, or three or more dwelling houses, whether that drive, street, road or lane is created by a private right-of-way, easement, or other device. A private road shall also include the following:

(1) an access road where two or more lots, or dwelling houses share a common access drive or device even if each lot has the required frontage on a public road.

(2) any and all extensions, additions, or branches of, or to a private road shall be considered part of the private road that abuts the public road, except those extensions, additions, or branches that access less than three dwelling houses, or less than two lots, parcels, or principal buildings.

(b) *Permit Required.* No person shall construct a private road or alter an existing private road without first obtaining a permit for the construction or alteration from the Department of Public Service. The periodic cleaning and re-surfacing of the road shall not be considered an alteration and shall not require a permit as long as the specifications under which the road was approved are not compromised.

(c) *Form of Permit.* Before a person may receive a permit the person shall file with the Director of Public Service an application on the form provided by the Director. This application shall include any information the Director deems necessary and shall be accompanied by road plans showing the proposed construction or alteration. The proposed construction shall comply, at a minimum, with all Rules and Regulations enacted by the Director. At the time of the application, applicant shall pay a non-refundable fee in accordance with a fee schedule fixed from time to time by the Board of Control.

(d) *Decision on Application.* The Director shall approve or deny the permit within thirty days of receiving a completed application. The Director may inform permittee that the construction plans do not conform to the City's Rules and Regulations. The permittee may change the construction plans and resubmit them.

If a permit is denied, permittee may appeal to the Board of Zoning Appeals within thirty days of the denial.

(e) *Other Regulations.* Any private road shall comply with all other applicable regulations, including the Zoning Code requirements for access and maintenance of off-street parking spaces.

(f) *Rules and Regulations.* The Director may enact Rules and Regulations concerning construction of private roads, including, but not limited to, standards and specifications for the private streets, and regulations for the construction process.

The Rules and Regulations shall require that, at a minimum, the roads meet City specifications for similar roads. The Rules and Regulations shall take effect thirty days after their publication in the City Record.

(g) *Periodic Inspections; Fee.* The Director may make periodic inspections of the road construction to ensure compliance with the construction plans as approved, and the applicable Rules and Regulations. At the completion of the construction, the Director shall make a final inspection of the road and issue a certificate of completion. The Permittee shall be required to make a deposit in an amount as determined by the Director of Public Service for periodic inspections of the road construction. Any amounts not used shall be refunded to the Permittee.

(h) No person shall construct or alter a private road without first obtaining the permit required in this section.

(i) No person shall construct or alter a private road except in accordance with the permit and approved plans.

The Director is authorized to charge fees at the time of any inspection according to an inspection fee schedule fixed from time to time by the Board of Control.

Section 2. That Section 501.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is amended to read as follows:

Section 501.99 Penalty

(a) Whoever violates Section 501.02 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

(b) Whoever violates division (h) or (i) of Section 501.031 shall be guilty of a misdemeanor of the first degree.

Section 3. That existing Section 501.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is repealed.

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 273-05.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129209)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 274-05.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing or repairing existing lower roadways, replacing or repairing portions of the upper roadways, repairing or modifying the weather canopy, and constructing related tunnel infrastructure improvements; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleve-

land, this Council determines to make the public improvement of replacing or repairing existing lower roadways, replacing or repairing portions of the upper roadways, repairing or modifying the weather canopy, and constructing related tunnel infrastructure improvements, for the Department of Port Control, 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 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 129207.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 359-05.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design improvements and renovations to the terminal building at Cleveland Hopkins International Airport; determining the method of making the public improvement of constructing the improvements and renovations; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies necessary for the improvement, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of sup-

plementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design improvements and renovations to the terminal building at Cleveland Hopkins International Airport, including but not limited to restroom renovations.

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

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements and renovations to the terminal building at Cleveland Hopkins International Airport, including but not limited to restroom renovations, for the Department of Port Control, 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 3. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one or two years of the necessary items of materials, equipment, and supplies necessary for the improvement as described in this ordinance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 5. That the costs of the contract or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, from the funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project, the proceeds from the sale of any airport revenue bonds issued for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129212)

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 375-05.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13917 Kinsman Road to Mt. Pleasant Now Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 130-12-031, as more fully described below, to Mt. Pleasant Now Development Corporation or designee.

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

P. P. No. 130-12-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 446, bounded and described as follows:

Beginning at a point on the Northeasterly line of Kinsman Road, S.E., 100 feet Northwesterly from the intersection of the Northerly line of Kinsman Road, S.E. with the Westerly line of East 140th Street; thence Northerly parallel with the Westerly line of East 140th Street, 111.35 feet; thence Westerly on a line at right angles with the Westerly line of East 140th Street about 48.43 feet; thence Southerly parallel with the Westerly line of East 140th Street, 98.92 feet to the Northeasterly line of Kinsman Road, S.E.; thence Southeasterly along the Northeasterly line of Kinsman Road, S.E., 50 feet to the place of beginning, and further known as Sublot No. 3 in William Behm's Propose Allotment of part of Original One Hundred Acre Lot No. 446, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 376-05.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kinsman Road and East 132nd Street to Mt. Pleasant Now Development Corporation or designee.

Whereas, the City of Cleveland has elected to adopt and implement

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 130-08-031, 130-08-076 and 130-08-137, as more fully described below, to Mt. Pleasant Now Development Corporation or designee.

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

P. P. No. 130-08-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 93 and 94 in the Kinsman Heights Subdivision of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of Kinsman Road, S.E., at a point six feet Southeasterly, (measured along said Northeasterly line), from the Southwesterly corner of said Sublot No. 94; thence Northwesterly along said Northeasterly line of Kinsman Road, S.E., 20-18/100 feet; thence Northerly along a line parallel with the Easterly line of said Sublot No. 93 to its intersection with a line drawn parallel with and distant Southerly 20-66/100 feet (measured along the Easterly line of East 132nd Street), from the Northerly line of said Sublot No. 93; thence Westerly parallel to said Northerly line of Sublot No. 93 to said Easterly line of East 132nd Street; thence Northerly along said Easterly line of East 132nd Street, 11-66/100 feet; thence Easterly on a line parallel to the Northerly line of said Sublot Nos. 93 and 94 to its intersection with a line drawn parallel with said Easterly line of said Sublot No. 93 from the place of beginning; thence Southerly parallel to said Easterly line of said Sublot No. 93 to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 130-08-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in Kinsman Heights Subdivision of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps,

Page 26 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 132nd Street and extending back of equal width 105 feet deep, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 130-08-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 94 in the Kinsman Heights Allotment of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records and forming a parcel of land bounded and described as follows:

Beginning in the Northeasterly line of Kinsman Road S.E. (66 feet wide) at a point distant North 75° 17' 05" West (measured along said Northeasterly line of Kinsman Road, S.E.), 5.73 feet from the most Southerly corner of said Sublot No. 94, said place of beginning being also the Southwesterly corner of Parcel No. 1 of land conveyed to Anna Risman, by deed dated June 4, 1946 and recorded in Volume 6081, Page 343 of Cuyahoga County Records; thence North 75° 17' 05" West, along said Northeasterly line of Kinsman Road, S.E., 42.44 feet to the most Southerly corner of a parcel of land conveyed to Sarah Schusterman, by deed dated November 10, 1926 and recorded in Volume 3366, Page 514 of Cuyahoga County Records, said point being distant South 75° 17' 05" East (measured along said Northeasterly line of Kinsman Road, S.E.), 6.00 feet from the Southwesterly corner of said Sublot No. 94; thence North 0° 25' 55" East, along the Easterly line of said land conveyed to Sarah Schusterman, 97.33 feet; thence south 89° 31' 55" East, 41.11 feet to the Westerly line of said Parcel No. 1 of land conveyed to Anna Risman; thence south 0° 25' 55" West, along said Westerly line of Parcel No. 1 of land conveyed to Anna Risman, 107.76 feet to the place of beginning, according to a survey dated December 22, 1953 by the National Survey Service, Incorporated, Civil Engineers and Surveys.

Subject to Zoning Ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, after consultation with the Council Member for the ward in which the property is located, this ordinance shall be repealed and shall be of no further force or effect.

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

Section 5. That the conveyance authorized hereby shall be made by

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

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

Passed April 25, 2005.

Effective April 29, 2005.

Ord. No. 417-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154897)

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

Passed April 25, 2005.

Effective April 29, 2005.

Ord. No. 419-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with ZEN Industries, Inc. to provide economic development assistance to partially finance the purchase of machinery and equipment for their facility located at 2340 East 69th Street, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with ZEN Industries, Inc. to provide economic development assistance to partially finance the purchase of machinery and equipment for their facility located at 2340 East 69th Street, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 419-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Forty-Six Thousand Five Hundred Dollars (\$46,500.00), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103642.

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

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

Section 6. That the Director of Economic Development is authorized to charge and accept fees in

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

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 420-05.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Hamilton/Marquette Limited Partnership, to provide development assistance to partially finance the acquisition of real property, construction of leasehold improvements, assistance with architectural, engineering and other consulting fees, and other renovation costs for the property located at 5401 Hamilton Avenue, and all other associated costs necessary to redevelop the property.

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

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

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

Whereas, Council desires to authorize the development assistance to the project which has been approved by the Department of Economic Development and the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Hamil-

ton/Marquette Limited Partnership, to provide development assistance to partially finance the acquisition of real property, construction of leasehold improvements, assistance with architectural, engineering and other consulting fees, and other renovation costs for the property located at 5401 Hamilton Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 420-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Three Hundred and Ten Thousand Dollars (\$310,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103640.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

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

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 421-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Olive Court to Melanie Shounnette Powell Brazil.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, adminis-

tered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-03-071, 118-03-072 and 118-03-073, as more fully described below, to Melanie Shounnette Powell Brazil.

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

P. P. No. 118-03-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 17 in Geo. E. Dascumb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Northerly line of Olive Court, N.E., (formerly Olive Court), at its intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along the Northerly line of Olive Court, N.E., 26 feet 9-1/4 inches; thence Northerly and parallel with the Westerly line of said Clara M. Hannon's Subdivision, 95 feet; thence Easterly and parallel with the Northerly line of Olive Court, N.E., 26 feet 9-1/4 inches to the Westerly line of said Subdivision; thence Southerly along the Westerly line of said Subdivision, 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 16 and 17 in Geo E. Dascumb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Olive Court NE, (formerly Olive Court), 38 feet wide, at a point 26 feet 9-1/4 inches Westerly, measured along said Northerly line from its point of intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along said Northerly line of Olive Court NE, 31 feet; thence Northerly on a line parallel with said Westerly line of said Clara M. Hannon's Subdivision, 95 feet; thence Easterly on a line parallel to said Northerly line of Olive Court NE, 31 feet; thence Southerly 95 feet to the place of beginning, as appears by

said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 16 in George A. Dascumb's Subdivision of part of Original 100 Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Olive Court N.E. at a point distant Westerly measured along said Northerly line 57 feet, 9-1/4 inches from its point of intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along the Northerly line of Olive Court N.E. a distance of 30 feet 2 inches to the Southeastly corner of a parcel of land conveyed to Elizabeth C. Warren by deed dated July 6, 1896 and recorded in Volume 649, Page 264 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Elizabeth Warren as aforesaid a distance of 95 feet to the Northeastly corner thereof; thence Easterly and parallel with the Northerly line of Olive Court N.E. a distance of 30 feet 2 inches to a point; thence Southerly in a direct line a distance of 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 422-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Crawford Road to Terrence Thompkins and Veora Croft-Thompkins.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-03-032, as more fully described below, to Terrence Thompkins and Veora Croft-Thompkins.

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

P. P. No. 119-03-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in the Subdivision made by Eliza Hough and the heirs of Oliver Hough of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 3 of Maps, Page 21 of Cuyahoga County Records bounded and described as follows:

Beginning at a point in the Northwesterly line of Crawford Road, N.E., 38.01 feet Southwestly from its intersection with the Northerly line of said Sublot; thence Westerly 126.78 feet to a point 30.87 feet Southerly from the Northerly line of said Sublot; thence Southerly 35.68 feet to the Northerly line of Brookline Avenue, N.E., (formerly Crawford Place), said Northerly line of Brookline Avenue, N.E. running parallel with and 90 feet Northerly from the Southerly line of said Sublot No. 10 which Southerly line is also the Southerly line of said Original Lot No. 391; thence Easterly along the Northerly line of said Brookline Avenue, N.E. 101.66 feet to the Northwesterly line of Crawford Road, N.E.; thence Northeastly along said Northwesterly line, 43.64 feet to the place of beginning, said premises are also known as a part of Sublot No. 21 in a proposed Subdivision intended to be made by F.B. Fox, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordi-

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

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

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 424-05.
By Council Member White.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd and Harvard to Cleveland Municipal School District.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 134-08-046, 134-08-047, 134-08-048 and 134-08-049, as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 134-08-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Plat of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 93rd Street (60 feet wide) at a point distant Southerly measured along said Westerly line 90 feet from the Southerly line of Harvard Avenue, S.E. (60 feet wide); thence Southerly along said Westerly line of East 93rd Street, 75 feet; thence Westerly parallel with the Southerly line of Harvard Avenue, S.E., 57.50 feet; thence Northerly parallel with the Westerly line of East 93rd Street, 75 feet; thence Easterly 57.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 134-08-047

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464 as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records and bounded and described as follows:

Beginning at intersection of the Southerly line of Harvard Avenue S.E. (formerly Harvard Street), with the Westerly side of East 93rd Street, form Woodland Hills Avenue); thence Southerly along said Westerly line of East 93rd Street 90 feet to the Northeast corner of land conveyed to William H. Braund and Frances Btaund by deed dated April 28, 1897 and recorded in Volume 660, Page 461 of Cuyahoga County Records; thence Westerly along said Northerly line of land so conveyed to William H. Braund and Frances Braund 20 feet; thence Northerly parallel to the Westerly line of East 93rd Street, 90 feet to the Southerly line of Harvard Avenue S.E.; thence Easterly along said Southerly line of Harvard Avenue S.E., 20 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Harvard Avenue S.E. (formerly Harvard Street), 20 feet Westerly measured along said Southerly line from the point of intersection with the Westerly line of East 93rd Street (formerly Woodland Hills Avenue); thence Southerly parallel with the

Westerly line of said East 93rd Street and 20 feet distant therefrom, 90 feet to the Northerly line of land conveyed to William H. Braund and Frances Braund, by deed dated April 28, 1897, and recorded in Volume 660, Page 461 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to William H. Braund and Frances Braund, 37-1/2 feet; thence Northerly parallel to the Westerly line of East 93rd Street, 90 feet to the Southerly line of Harvard Avenue S.E.; thence Easterly along said Southerly line of Harvard Avenue S.E. 37-1/2 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue S.E., (60 feet wide), (formerly Harvard Street), which pointy is 57-50/100 feet West of the intersection of said South line of Harvard Avenue S.E., and the Westerly line of East 93rd Street, (60 feet wide), (formerly Woodland Hills Avenue); thence Westerly along the Southerly line of Harvard Avenue S.E., as aforesaid, 3-99/100 feet to a point; thence Southerly parallel with the Westerly line of East 93rd Street, 90 feet to a point; thence Easterly parallel with the Southerly line of Harvard Avenue S.E., 3-99/100 feet to a point; thence Northerly parallel with the Westerly line of East 93rd Street, 90 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 134-08-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 59 and 60 in Newburgh Village Allotment of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue, S.E., 57 feet 6 inches Westerly from its intersection with the Westerly line of East 93rd Street; thence Westerly along the Southerly line of Harvard Avenue, S.E., 45 feet to the Easterly line of land conveyed to David Teese by deed recorded in Volume 112, Page 315 of Cuyahoga County Records; thence Southerly parallel with the Westerly line of East 93rd Street and along the Easterly line of land so conveyed to David Reese 165 feet; thence Easterly parallel with the Southerly line of Harvard Avenue, S.E., 45 feet; thence Northerly parallel with the Westerly line of East 93rd Street, 165 feet to the place of beginning, be the same more or less, but subject to all legal highways. Except-

ing therefrom the following described parcel:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being further known as part of Sublot Nos. 59 and 60 in Newburgh Village Allotment of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue, 60 feet wide, (formerly Hamilton Street), which point is 57.50 feet West of the intersection of said South line of Harvard Avenue and the Westerly line of East 93rd Street, 60 feet wide, (formerly Gaylord Street); thence Westerly along the Southerly line of Harvard Avenue, as aforesaid 3.99 feet to a point; thence Southerly parallel with the Westerly line of East 93rd Street 90 feet to a point; thence Easterly parallel with the Southerly line of Harvard Avenue 3.99 feet to a point; thence Northerly parallel with the Westerly line of East 93rd Street, 90.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 134-08-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 464, and bounded and described as follows:

Beginning at the Northeast corner of land deeded by David Reese to Charlotte and Emma Reese; thence South 165 feet; thence East 45 feet; thence North 165 feet and parallel with the West line of East 93rd Street; to the Southerly line of Harvard Avenue, S.E. (formerly Hamilton Street); thence West 45 feet to the place of beginning and being the same tract conveyed by Osias W. Lewis to David Jones by deed dated May 17, 1871 and recorded in Volume 188, Page 335 of Cuyahoga County Records, said parcel is a part of Sublot No. 59 in the Newburgh Village Plat (Volume 2, Page 20 of Cuyahoga County Records) and fronts on the South side of Harvard Avenue, S.E. to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 464-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to enter into all requisite agreements and other instruments to sell certain City-owned properties not needed for public use located at Cleveland Hopkins International Airport to the City of Brook Park; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to J.P. Morgan Trust Company, National Association as successor bond trustee; and authorizing the Director of Port Control to apply to the Bond Trustee for release of these properties.

Whereas, the Director of Port Control has requested the sale of certain City-owned properties to the City of Brook Park ("Brook Park") not needed for public use and located at Cleveland Hopkins International Airport; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described properties are not needed for public use:

PPN: 341-35-007

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being part of Original Olmsted Township Lot No. 35, Tract No. 6 and bounded and described as follows:

Beginning in the centerline of Ruple Road (60 ft. wide), at the Southwesterly corner of a parcel of land conveyed to Melvin S. Fetterman and Dorothy Fetterman by deed dated August 30, 1955 and recorded in Volume 8487, Page 106 of Cuyahoga County Records;

Thence Southeasterly along the centerline of Ruple Road, 87.97 ft. to the Southerly line of the third parcel of land conveyed to Nora E. Burrington by deed dated August 7, 1943 and recorded in Volume 5622, Page 545 of Cuyahoga County Records;

Thence Easterly along said Southerly line 181.10 ft.;

Thence Northerly 84.37 ft. to the Southeasterly corner of the parcel conveyed to Melvin S. Fetterman and Dorothy Fetterman as aforesaid;

Thence Westerly along the Southerly line of said parcel conveyed 206.03 ft. to the place of beginning, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM the land conveyed to the City of Brook Park by deed filed for record October 31, 2000 as Cuyahoga County Auditor's File Number 200010310683 and bounded and described as follows:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being part of Original Olmsted Township Lot No. 35, Tract No. 6, said parcel is part of a tract of land now or formerly owned by Eugene J. Sova, as recorded in Volume 95-2272, Page 28 of the Cuyahoga County Records, further bounded and described as follows:

Beginning at an iron pin set at the intersection of Aerospace Parkway, metric station 1+082.00, and Ruple Parkway, metric station 0+500.00 as recorded in Plat Book 299, Pages 98 and 99, and Plat Book 300, Pages 00 and 01 of the Cuyahoga County Records;

Thence North 53°-36'-23" West, along said Ruple Parkway centerline, a distance of 11.74 meters (38.52 ft.) to a point of curve in said centerline;

Thence Northwesterly continuing along said centerline and along a curve to the right (central angle of 39°-16'-57", radius of 110.00 meters (360.89 ft.), tangent of 39.26 meters (128.80 ft.), chord of 73.95 meters (242.61 ft.) which bears North 33°-57'-54" West) an arc distance of 75.42 meters (247.43 ft.) to a point of tangent in said centerline and the true place of beginning;

Thence North 14°-19'-25" West, continuing along said centerline, a distance of 6.73 meters (22.08 ft.) to a point in the Grantor's Southwesterly property corner;

Thence South 87°-54'-58" East, along the Grantor's Northerly property line, a distance of 12.36 meters (40.55 ft.) to a point in the new right of way line of said Ruple Parkway;

Thence South 20°-13'-52" East, along said new right of way line, a distance of 3.26 meters (10.68 ft.) to an angle point in said right of way line and a point of curve;

Thence Southerly continuing along said right of way line and along a curve to the left (central angle of 14°-33'-38"), radius of 97.81 meters (320.89 ft.), tangent of 12.50 meters (40.99 ft.), chord of 24.79 meters (81.33 ft.) which bears South 21°-36'-14" East) an arc distance of 24.86 meters (81.55 ft.) to a point in the Grantor's Southerly property line;

Thence North 87°-57'-02" West, along said Southerly property line, a distance of 15.99 meters (52.43 ft.) to a point in the centerline of existing Ruple Parkway;

Thence Northwesterly, along the existing centerline of Ruple Parkway and along a curve to the left (central angle of 00°-02'-45", radius of 78.97 meters (259.08 ft.), tangent of 0.03 meters (0.10 ft.), chord of 0.06 meters (0.21 ft.) which bears North 14°-18'-03" West) an arc distance of 0.06 meters (0.21 ft.) to a point of tangency in said existing centerline;

Thence North 14°-19'-25" West, along said centerline, a distance of 20.02 meters (65.69 ft.) to the true place of beginning, containing 350 square meters (0.0866 acres) of land, of which the present road occupies 245 square meters (0.0606 acres) be the same more or less, but subject to all legal highways.

Basis of bearing: Centerline of Cleveland Hopkins International Airport Runway 6L-24R is South 50°-02'-00" West.

The above-described area is a part of Permanent Parcel No. 341-35-007.

The above description is based on a field survey conducted by, or under the supervision of Joseph R. Ciuni, R.S. 7394 in December 1997.

ALSO EXCEPTING THEREFROM the land conveyed to the City of Brook Park by deed filed for record October 31, 2000 as Cuyahoga County Auditor's File Number 200010310684 and bounded and described as follows:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being part of Original Olmsted Township Lot No. 35, Tract No. 6, said parcel is part of a tract of land now or formerly owned by Eugene J. Sova, as recorded in Volume 95-2272, Page 28 of the Cuyahoga County Records. Said parcel is bounded and described as follows:

Beginning at an iron pin set at the intersection of Aerospace Parkway, metric station 1+082.00, and Ruple Parkway (North), metric station 0+500.00, as recorded in Plat Book 299, Pages 98 and 99, and Plat Book 300, Pages 00 and 01 of the Cuyahoga County Records;

Thence North 26°-23'-37" East, along the centerline of Aerospace Parkway, a distance of 48.87 meters (160.33 ft.) to a point;

Thence North 63°-36'-23" West, perpendicular to said centerline, a distance of 13.72 meters (45.00 ft.) to a point in the Grantor's Easterly property line where it intersects the Northwesterly right of way line of Aerospace Parkway said point also being the true place of beginning for the parcel herein described;

Thence South 02°-07'-38" West, along said Easterly property line, a distance of 3.00 meters (9.85 ft.) to a point in the Grantor's Southeasterly property corner;

Thence North 87°-57'-02" West, along the Grantor's Southerly property line, a distance of 1.35 meters (4.44 ft.) to a point in the Northwesterly right of way line of Aerospace Parkway;

Thence North 26°-23'-37" East, along said right of way line, a distance of 3.30 meters (10.81 ft.) to the true place of beginning and containing 2 square meters (0.0005 acres) of land, be the same more or less, but subject to all legal highways.

Basis of bearing: Centerline of Cleveland Hopkins International Airport Runway 6L-24R is South 50°-02'-00" West.

The above-described area is a part of Permanent Parcel No. 341-35-007.

The above description is based on a field survey conducted by, or under the supervision of Joseph R. Ciuni, R.S. 7394 in December, 1997.

PPN: 341-35-003

Situated in the City of Brook Park, County of Cuyahoga and State of Ohio and known as being part of

Original Olmsted Township Lot No. 35 in Tract No. 6 and bounded as follows:

On the North by the Northerly line of land conveyed to Wade C. Burrington, by Deed recorded in Volume 926, Page 9 of Cuyahoga County Records;

On the West by the center line of Ruple Road;

On the South by a line parallel to the Northerly line and 100 feet distance therefrom measured at right angles with said line;

On the East by a line running at right angles with the Northerly line and far enough to contain 1 acre of land.

PPN: 341-36-012

Situated in the City of Brook Park, County of Cuyahoga and State of Ohio and known as being part of Original Olmsted Township Lot No. 35 in Tract No. 6 and bounded and described as follows:

Beginning at a point in the centerline of Ruple Parkway (formerly known as Ruple Road), (60 feet wide), distant South 23°-04'-10" East measured along the center line of Ruple Parkway, 15.00 feet from the Southerly line of land conveyed to Wilbur A. Carpenter and Linda W. Carpenter by deed recorded in Volume 7026, Page 666 of Cuyahoga County Records of Deeds;

Thence South 23°-04'-10" East along the center line of Ruple Parkway a distance of 75.00 feet;

Thence North 88°-35'-05" East a distance of 200.00 feet;

Thence North 0°-27'-30" West a distance of 65.90 feet;

Thence South 89°-32'-30" West parallel with the Southerly line of land so conveyed to Wilbur and Linda Carpenter, a distance of 228.81 feet to the center line of Ruple Parkway and the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described properties to the City of Brook Park at a price not less than fair market value as approved by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance. The Commissioner of Purchases and Supplies is further authorized to assign to the City of Brook Park the lease that presently encumbers Permanent Parcel No. 341-36-012.

Section 3. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive covenants deemed necessary for aviation purposes, as specified by the Directors of Port Control and Law, and shall specifically contain aviation easements.

Section 5. That the City acknowledges, states and affirms, under Article IX of the Trust Indenture from the City of Cleveland to J.P. Morgan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City

desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations under the Indenture. Further, the City acknowledges, states and affirms that it is not in default under the Indenture; and that the purpose of the requested release is to permit the transfer of the above described property interests to the City of Brook Park.

Section 6. That the Director of Port Control is authorized to apply to J.P. Morgan Trust Company, National Association, as successor trustee, for release of the land described in Section 1 of this ordinance, under the Indenture.

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

Passed May 2, 2005.

Effective May 5, 2005.

Ord. No. 466-05.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of emulsion and purging solution, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director

of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139652)

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

Passed April 25, 2005.

Effective April 29, 2005.

Ord. No. 467-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of magnesium chloride, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139651)

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 468-05.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of manhole risers, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139650)

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 469-05.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of rock salt, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139653)

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

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 470-05.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to clean and maintain scale pits at the Ridge Road Scale House and Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials to clean and maintain scale pits at the Ridge Road Scale House and Ridge Road Transfer Station in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130534)

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 474-05.
By Council Member Zone.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fenwick Avenue to Stockyard Redevelopment Organization or designee.

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

Whereas, real property acquired under the City's Land Reutilization

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 006-22-030 and 006-22-032, as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 006-22-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 21 feet of Sublot No. 306 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and being 21 feet front on the Southerly side of Revin Street, now known as Fenwick Avenue, S.W. and extending back between the East line of said Sublot No. 306 and a line parallel thereto about 188-1/2 to the Northerly line of Walworth Street as established by appropriation proceedings in Probate Court Docket 20, No. 1976, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 006-22-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 306 in Taylor and Hoyt's Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Fenwick Avenue, S.W., (formerly Ravin Street), 21 feet Westerly from the Northeasterly corner of Sublot No. 306 said point and being also the Northwesterly corner of land conveyed to John and Phillipina Decker by Deed dated May 21, 1906 and recorded in Volume 1043, Page 193 of Cuyahoga County Records; thence Westerly along the Southerly line of Fenwick Avenue, S.W., 21 feet; thence Southerly parallel with the Westerly line of land so conveyed to John and Phillipina Decker about 189 feet to the Northerly line of Walworth Avenue, S.W.; thence Easterly along the Northerly line of Walworth Avenue, S.W., about 21 feet to the Southwesterly corner of land so conveyed to John and Phillipina Decker; thence Northerly along the Westerly line of land so conveyed to John and Phillipina Decker about 188 feet 6 inches, to the place of beginning, as appears by said plat, be the same more or

less, but subject to all legal highways.

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

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

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

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

Passed April 25, 2005.

Effective April 29, 2005.

Ord. No. 548-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of messenger services, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of messenger services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Pur-

chases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118733)

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

Passed April 25, 2005.

Effective April 29, 2005.

Ord. No. 554-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain, repair, and replace existing roofing systems, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appro-

riation 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 129206)

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

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

Passed May 2, 2005.
Effective May 5, 2005.

**Ord. No. 576-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for drug and alcohol testing services, for a term not to exceed eighteen months.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for laboratory testing services necessary to test specimens to determine the presence of alcohol or drugs of abuse, for a term not to exceed eighteen months, in the approximate sum of \$70,000, for the Cleveland Municipal Court, on a unit basis. The contracts or contracts shall be paid from Fund Nos. 01-011509-632000 and 10 SF 085, Request No. 150445.

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

Passed April 25, 2005.
Effective April 29, 2005.

**Ord. No. 578-05.
By Council Members Polensek, Sweeney, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Muldoon's Saloon and Eatery to encroach into the public right-of-way of Mozina Drive to construct, install, use, and maintain a landscape strip.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Muldoon's Saloon and Eatery, 1012 East 185th Street, Cleveland, Ohio ("Permittee") to encroach into the public right-of-way of Mozina Drive by constructing, installing, using, and maintaining a landscape strip at the location more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original Euclid Township Tract No. 15;

And being a strip of land about 10 feet by about 24 feet in length extending across Mozina Drive (40 feet wide) and being parallel with the center line of East 185th Street (70 feet wide) and about 135 feet Westerly by rectangular measurement from the intersection of said center line of East 185th Street and the center line of Mozina Drive (40 feet wide).

Legal description approved by Greg Esber, City Surveyor, March 30, 2005.

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

Section 2. That Permittee shall construct and install the encroaching structures only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroaching structures.

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss which may result from the encroachments permitted.

Section 4. That the Permit shall reserve to the City reasonable right of entry to the encroachment location.

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

Passed April 25, 2005.
Effective April 29, 2005.

**Ord. No. 632-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to analyze the City's current procurement process, perform a feasibility study, and recommend solutions to City's procurement requirements.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to analyze the City's current procurement process, perform a feasibility study, and recommend solutions to City's procurement requirements.

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 cost of contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 146242.

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

Passed May 2, 2005.
Effective May 5, 2005.

**Ord. No. 633-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of dry cell batteries, for the various divisions of City government.

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 for the necessary items of dry cell batteries 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.

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 118740)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 634-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic protection services, for the various divisions of City government.

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 a one-year period of the necessary items of electronic protection services, 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 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.

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 118723)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 635-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of first aid supplies, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of first aid supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118724)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 636-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hand tools and hand-held power tools, for the various divisions of City government.

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 for the necessary items of hand tools and hand-held power tools in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if 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 118726)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 637-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

the period of one year of the necessary items of landscape materials, 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 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.

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 118725)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 638-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain typewriters, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to maintain typewriters, 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 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.

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 118739)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 639-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refill, repair and replace fire extinguishers, for the various divisions of City government.

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 for the necessary items of labor and materials necessary to refill, repair and replace fire extinguishers 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.

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 118722)

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

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 640-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of miscellaneous-sized steel plates, for the various divisions of City government.

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 for the necessary items of miscellaneous-sized steel plates 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.

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 118721)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 641-05.
By Council Member Jackson.

An emergency ordinance authorizing the purchase by one or more requirement contracts of towel and linen service, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of towel and linen service, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118738)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 651-05.

By Mayor Campbell.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the City of Brecksville, between Oakes Road and Metro Parks Boulevard to the City of Brecksville.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to the City of Brecksville (the "Redeveloper") no longer needed for public use and located at in the City of Brecksville, between Oakes Road and Metro Parks Boulevard; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a part of Permanent Parcel No. 603-10-004 is no longer needed for public use, consisting of the easterly-most seventy-five (75) acres,

contiguous to the City of Brecksville's recreation center and running between Oakes Road and Metropolitan Park Boulevard. The Director of Parks, Recreation and Properties shall cause a legal description to be prepared to describe said part of Permanent Parcel No. 603-10-004 to be placed in File No. 651-05-A.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, which shall not be less than \$3,000,000.00 taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs. The conveyance shall include a deed restriction that the subject property shall be used in perpetuity for municipal recreation and green space use only. The City of Cleveland shall retain an easement in perpetuity for Cleveland's existing utility lines and the Division of Water's tower site and communications antenna.

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 696-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install an ergonomic paper cutting and handling system, including removal of the old system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install an ergonomic paper cutting and handling system, including removal of the old system, to be purchased by the Commissioner of Purchases and

Supplies for a gross price, for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 157029.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 697-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Betty Montgomery, Ohio State Auditor, for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2005 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation.

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 enter into one or more contracts with Betty Montgomery, Ohio State Auditor, for professional services necessary to complete an independent assessment and to express the opinion of the City whether the 2005 financial statements fairly present the financial position of the City and other things; and to authorize the auditor to complete two statements on Auditing Standards for the Divisions of Water and Taxation, in the total approximate sum of \$425,000, for the Department of Finance. The contracts or contracts shall be paid from funds appropriated for this purpose in budget year 2006, Request No. 154406.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 698-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair heating, ventilation, and air conditioning systems, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to maintain and repair heating, ventilation, and air conditioning systems, 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129218)

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 706-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 31 from the United States Government; 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 Community Development Block Grant funds in the amount of \$441,000, from Fund No. 14 SF 031, RL 149502, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program incurred in Fund 13 following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 707-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.

Whereas, the City of Cleveland has received CDBG Year 31 and Year 2005 Federal HOME Program grants from the United States Government; 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 CDBG and Federal HOME Program funds are appropriated for the administration of the Housing Rehabilitation Programs.

Section 2. That the Director of Community Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform property inspections to comply with Section 8 Housing Quality Standards.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qual-

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

Section 3. CDBG and HOME Administrative funds in the amount of \$1,270,000 shall be paid from Fund Nos. 14 SF 031 and 13 SF 236.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 708-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 31 from the United States Government; and

Whereas, City Council has designated administrative processing costs from Neighborhood Equity Funds; 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 Community Development Block Grant and NEF Administrative Cost funds in the amount of \$2,837,000 from Fund Nos. 14 SF 031 and 10 SF 808 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$2,432,000
Other	405,000

Section 2. The Director of Community Development is authorized to expend funds listed in the above Schedule under 'Other' for the cost of activities related to the promotion of various housing events in the City of Cleveland.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 710-05.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program; and authorizing the Director of Aging or Community Development, as appropriate, to enter into one or more contracts with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30, from the United States Government; 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 Community Development Block Grant funds in the amount of One Hundred Sixty Thousand Dollars (\$160,000) from Fund No. 14 SF 031, Request No. 125800, are appropriated for costs of the Department of Aging incurred in Fund 13 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Aging or Community Development, as appropriate, is authorized to enter into one or more contracts with various non-profit and for-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to implement the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Section 3. That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 712-05.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Board of Commissioners of Cuyahoga County to reimburse the County for a portion of the cost of the acquisition of the homeless shelter located at 2100 Lakeside Avenue.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Board of Commissioners of Cuyahoga County (the "County") to reimburse the County for a portion of the cost of the acquisition of the homeless shelter located at 2100 Lakeside Avenue.

Section 2. That the cost of the agreement shall not exceed \$450,000 and shall be paid from Fund No. 14 SF 030, Request No. 149501.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 760-05.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1124-01, passed July 18, 2001, relating to a requirement contract of deicing services, for the Department of Port Control.

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

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

Section 1. That Section 2 of Ordinance No. 1124-01, passed July 18, 2001 is amended to read as follows:

Section 2. That the cost of the contract shall not exceed \$17,000,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchases, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract duly certified by the Director of Finance. (RL 30924)

Section 2. That Section 2 of Ordinance No. 1124-01, passed July 18, 2001 is repealed.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 785-05.

By Council Members Jackson, Britt, Lewis, Pierce Scott, Cimperman, Cintron, Zone and Westbrook.

An emergency ordinance consenting and approving the issuance of a permit for the 28th RiteAid Marathon and 10K, on May 22, 2005, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 28 RiteAid Marathon and 10K, sponsored by Cleveland Marathon, Inc. on May 22, 2005, Marathon Route: St. Clair and E. 13th; St. Clair to E. 18th, E. 18th to Lakeside, Lakeside to E. 9th, E. 9th to Erieside, Erieside to Al Lerner Way, Al Lerner Way to W. 3rd, W. 3rd to Lakeside, Lakeside to west bound Shoreway, west bound Shoreway to Edgewater Drive exit, Edgewater Drive to W. 117th, W. 117th to Lake Avenue, Lake Avenue to Clifton east bound Shoreway entrance, east bound Shoreway to W. 45th exit, W. 45th to Franklin, Franklin to Fulton, Fulton to Lorain, Lorain to Carnegie, Carnegie to E. 14th, E. 14th to Euclid, (half Marathon turns on E. 17th to St. Clair, St. Clair to finish line) Euclid to E. 40th, E. 40th to Chester, Chester to Euclid Avenue, Euclid to East Blvd., East Blvd., to MLK, MLK to N. Marginal, N. Marginal to bike path, bike path through State park fishing bridge to E. 55th, E. 55th to S. Marginal, S. Marginal to W. 3rd on ramp, W. 3rd ramp to W. 3rd, W. 3rd to Lakeside, Lakeside to W. 9th, W. 9th to Superior, Superior to W. 3rd, W. 3rd to Lakeside, Lakeside to E. 18th, E. 18th to St. Clair, St. Clair to E. 12th finish; 10K Route: St. Clair & E. 13th; St. Clair to E. 18th, E. 18th to Lakeside, Lakeside to E. 9th, E. 9th to Erieside, Erieside to W. 3rd (around stadium), W. 3rd to Lakeside, Lakeside to west bound Shoreway to ramp, west bound Shoreway to W. 28th exit ramp, W. 28th to Detroit, Detroit too W. 32nd, W. 32nd to Franklin, Franklin to W. 28th, W. 28th to east bound Shoreway on ramp, east bound Shoreway to Lakeside, Lakeside to E. 18th, E. 18th to St. Clair, St. Clair to E. 12th finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 25, 2005.
Effective April 29, 2005.

Ord. No. 862-05.

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

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

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

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

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

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

Kozsey, Lawrence A.	02119083	11924	Sector
Baughan, James	02119084	11932	Sector
Brewer, Richard E.	02119085	11950	Sector
Brewer, Richard E.	02119086	11950	Sector
Hahner, Ruth & William	02119087	12004	Sector
Solfianos, George	02119088	12012	Sector
Ramey & Associates	02119089	12024	Sector
Metrik, Michael	02119090	12028	Sector
Maenza, Frank J. & Charlotte	02119091	12032	Sector
Perz, Thomas E.	02119092	12036	Sector
Barlock, William Thomas (1)	02119093	3077	W. 121
Evans, Donald R.	02119094	3081	W. 121
Eckstein, Cynthia L. (1)	02119096	3087	W. 121 (10)
Eckstein, Cynthia L. (1)	02119097	3091	W. 121 (10)
Eckstein, Cynthia L. (1)	02119098	Land	W. 121 (10)
Eckstein, Cynthia L. (1)	02119099	Land	W. 121 (10)
Eckstein, Cynthia L. (1)	02119100	Land	W. 121 (10)
Eckstein, Cynthia L. (1)	02119101	3105	W. 121 (10)
Gordon, Patricia	02119102	3111	W. 121
Keil, David H. Jr. & Monica	02119103	3115	W. 121
Rolfe, Patrick	02119104	3119	W. 121
Rowe, Jean	02119105	3123	W. 121
Gonzalez, Hector L.	02119106	3125	W. 121
Calvey, Eleanor	02119107	3127	W. 121
Rivera, Ismael	02119108	3131	W. 121
Slivka, Chirstine I.	02119109	3135	W. 121
Carroll, Kathleen L.	02119110	3126	W. 120
Stropko/Novak	02119111	3122	W. 120
Begovich, Martin J.	02119112	3118	W. 120
Laboy, Wilson & Abigail	02119113	3114	W. 120
Roddy, Michael J.	02119114	3110	W. 120
Zywczyk, Clare	02119115	3106	W. 120
Riggleman, Janice	02119116	3102	W. 120
Giordono, Joseph C.	02119117	3098	W. 120
Helgert, Tracy Rd.	02119118	3092	W. 120
Massey, Bruce J. & Lilly M.	02119119	3088	W. 120
Eckstein, Cynthia L. (1)	02119120	3084	W. 120 (10)
Eckstein, Cynthia L. (1)	02119121	3080	W. 120 (10)
Triplett/Abdu Nasser	02119122	3076	W. 120
Migielicz, Olgas M. & Michael	02119123	11950	Sector
Sanderson, Daniel E. & Martha	02119124	12003	Sector
Frederick/O'Malley	02120054	11917	Elmwood
Eash, Dorothy E.	02120055	11913	Elmwood
Wojtkiewicz, Joseph S.	02120056	11909	Elmwood
Basinger, Andrew	02120057	11905	Elmwood
Ely, James & Patricia Thuransky	02120058	11901	Elmwood
Barnes, Richard	02120059	11846	Elmwood
Barnes, Richard	02120102	Vacant	Elmwood

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That the consideration to be paid for this properties shall be borne entirely by the Redeveloper and shall be at no cost to the City.

Section 4. That this Council finds that the conveyances to the Redeveloper constitutes a public use of the properties for the purposes of redevelopment.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the properties previously described in this ordinance to Rysar Properties, for a price of one dollar and other valuable considerations determined as fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 6. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 7. That the Director of Economic Development is authorized to enter into an Agreement with the Redeveloper which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Passed May 2, 2005.
Effective May 5, 2005.

Ord. No. 868-05.
By Council Member White.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 1105-04 passed June 7, 2004 as it pertains to the building acquisition by the Garland Real Properties, Inc. for the purpose of using this site as a training center through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1105-04 passed June 7, 2004 are hereby amended to read as follows

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Garland Real Properties, Inc. for the acquisition of a building to use as a training center through the use of Ward 2 Neighborhood Equity Funds.

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Garland Real Properties, Inc. for the acquisition of a building for the public purpose of using it as a new training center for company employees in order to retain and create jobs in Cleveland through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1105-04 passed June 7, 2004 are hereby repealed.

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

Passed May 2, 2005.
 Effective May 5, 2005.

Ord. No. 869-05.
By Council Member White.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Dove Park Panthers Youth Association for a Youth Football Recreation Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Dove Park Panthers Youth Association for a Youth Football Recreation Program for the public purpose of providing organized youth recreational activities for Cleveland youth through the use of Ward 2 Neighborhood Equity Funds.

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

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

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

Passed May 2, 2005.
 Effective May 5, 2005.

Ord. No. 870-05.
By Council Member White.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Umoja and Kuumba Youth Association for a Youth Football Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Umoja and Kuumba Youth Association for a Youth Football Program for the public purpose of providing organized recreational sporting activities for Cleveland youth through the use of Ward 2 Neighborhood Equity Funds.

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

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

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

Passed May 2, 2005.
 Effective May 5, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, May 9, 2005

9:30 a.m.

Health and Human Services Committee: Present: Britt, Chair; Zone, Vice Chair; Cintron, Conwell, Gordon. *Authorized Absence:* Pierce Scott, Polensek.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Cimperman, Reed, Westbrook, White, Gordon. *Authorized Absence:* Pierce Scott. *Pro-tem:* Lewis, Zone, Dolan.

Tuesday, May 10, 2005

10:30 a.m.

Community and Economic Development Committee: Present: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Lewis, Zone. *Authorized Absence:* Jones, Reed, Pierce Scott. *Pro-tem:* Polensek.

Wednesday, May 11, 2005

10:00 a.m.

Aviation and Transportation Committee: Present: Westbrook, Chair; Sweeney, Vice Chair; Dolan, Gordon, Rybka. *Authorized Absence:* Reed, Britt.

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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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