

The City Record

Official Publication of the Council of the City of Cleveland



November the Thirtieth, 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	James R. Knight
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Emily Lipovan Holan
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	James R. Knight	16217 Glendale Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britty	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Emily Lipovan Holan	4579 South Hills Drive	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

Christopher S. Ronayne, Chief of Staff
 Darnell Brown, Chief Operating Officer
 Craig Tame, Executive Assistant
 Collette J. Appolito, Director, Office of Equal Opportunity
 Margreat A. Jackson, Executive Assistant to the Mayor
 Erik Janas, Inter-Governmental 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 Ciacca, Director, 1201 Lakeside Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. 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 Ciacca; Council President Frank G. Jackson.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, NOVEMBER 30, 2005

No. 4799

CITY COUNCIL

MONDAY, NOVEMBER 28, 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;
Brancatelli, Cimperman, Dolan,
Knight, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Com-
mittee:** Sweeney, Chairman;
Vice Chairman; Brady, Cimperman,
Johnson, Kelley, Knight, Polensek,
White, Zone.

11:00 A.M. — **Employment, Affir-
mative Action & Training Commit-
tee:** Lewis, Chairman; Conwell, Vice
Chairman; Cintron, Coats, Johnson,
Reed, Polensek.

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

1:00 P.M. — **Health & Human Ser-
vices Committee:** Britt, Chairman;
Zone, Vice Chairman; Cintron, Con-
well, Lipovan Holan, Pierce Scott,
Polensek.

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

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transporta-
tion Committee:** Westbrook, Chair-
man; Sweeney, Vice Chairman; Bran-
catelli, Britt, Dolan, Lipovan Holan,
Reed.

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

WEDNESDAY—Alternating

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

1:30 P.M. — **City Planning Com-
mittee:** Cimperman, Chairman, Con-
well, Vice Chairman, Brancatelli,
Lipovan Holan, Kelley, Lewis,
Pierce Scott.

The following Committees are
subject to the Call of the Chair-
man:

Rules Committee: Jackson, Chair-
man; Reed, Sweeney, Westbrook.

**Personnel and Operations Commit-
tee:** Zone, Chairman; Britt, Cimper-
man, Coats, Pierce Scott.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 28, 2005

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

Council Members present: Brady,
Brancatelli, Cimperman, Coats, Con-
well, Lipovan Holan, Johnson, Kel-
ley, Knight, Lewis, Polensek, Pierce
Scott, Sweeney, Reed, Westbrook,
White and Zone.

Also present were Chief of Staff
Ronayne, Chief Operating Officer
Brown, Executive Assistant Mar-
great Jackson, and Directors Beas-
ley, Ciaccia, Mok, Ricchiuto, Carroll,
Watson, Thompson, Rush, Routen,
Huth, Fumich, Taylor and Brown.

Pursuant to Ordinance No. 2926-76,
prayer was offered by Mrs. Teresa
Stevenson, First Lady of Damascus
Road Ministries. Pledge of Alle-
giance.

MOTION

On the motion of Council Member
Zone, the reading of the minutes of
the last meeting were dispensed
with and the journal approved. Sec-
onded by Council Member Pierce
Scott.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2215-05.

Re: New Application — 7401526 —
Rite Shop, Inc., 12111 Euclid Avenue.
(Ward 9). Received.

File No. 2216-05.

Re: Transfer of Ownership Appli-
cation — 2566678 — Euclid 178, Inc.,
d.b.a. Lotus Mini Mart, 17801 Euclid
Avenue. (Ward 10). Received.

File No. 2217-05.

Re: Stock Transfer Application —
1710268 — Convenient Food Mart,
Inc., 372, 3794 East 71st Street.
(Ward 12). Received.

File No. 2218-05.

Re: Stock Transfer Application —
8931551 — Tilak Corp., d.b.a. Denley
Market, 4059 Valley Road. (Ward
15). Received.

File No. 2219-05.

Re: Stock Transfer Application —
0103095 — Alescis Gateway Cafe
Ltd. LLC, first floor and basement
and patio, 828 Huron Road. (Ward
13). Received.

File No. 2220-05.

Re: Stock Transfer Application —
6549670 — 14510, Inc., d.b.a. Kins-
man Sunoco, 14510 Kinsman Avenue.
(Ward 3). Received.

PLAT

File No. 2221-05.

West Tech Residential Development
Subdivision. Plat No. 2. (Ward 18).

Approved by Director of City Plan-
ning Commission; Committees on
Public Service and City Planning.

Without objection plat approved.
Yeas 18. Nays 0.

CONDOLENCE RESOLUTIONS

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

Res. No. 2222-05—Henry F. Taylor.

Res. No. 2223-05—Millie Taushaura.

CONGRATULATION RESOLUTION

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

Res. No. 2224-05—Tracy Smith.

RECOGNITION RESOLUTIONS

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

Res. No. 2225-05—Barbara Turner.

Res. No. 2226-05—Professor Metod
Klemenc.

Res. No. 2227-05—James M. Cran-
dall, PE.

Res. No. 2228-05—Arcadis.

Ord. No. 2190-05.**By Council Members Lipovan Holan, Sweeney and Jackson (by departmental request).****An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 64708 for improvements to Valley Road with Perk Company, Inc. for the 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 the following alterations and modifications in Contract No. 64708 with Perk Company, Inc. for improvements to Valley Road, for the Department of Public Service:

Subsidiary Additions

1.	Replace existing water main with new 12-inch CL 52 water main pipe	\$145,250.00
2.	Install 2 new 12-in gate valves	3,650.00
3.	Install 3 new 1-in water service connections	<u>+ 10,920.00</u>
	TOTAL SUBSIDIARY ADDITIONS	\$159,820.00

Subsidiary Credits

1.	Credit for water line work in the contract but no longer necessary as a result of this change	\$ 28,212.50
	TOTAL SUBSIDIARY CREDITS	

Total Subsidiary Additions	\$159,820.00
Total Subsidiary Credits	<u>- 28,212.50</u>
Total Additions this Subsidiary	\$131,607.50

ORIGINAL CONTRACT AMOUNT	\$2,529,598.45
TOTAL ADDITIONS THIS SUBSIDIARY	<u>+ 131,607.50</u>
REVISED CONTRACT AMOUNT	\$2,661,205.45

which alteration has been recommended in writing by the Director of Public Service, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid therefore has been agreed upon in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum or \$131,607.50 to be paid from Fund No. 52 SF 001.

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

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

Ord. No. 2191-05.**By Council Members Britt and Jackson (by departmental request).****An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health for performance of environmental assessments of the residences of Medicaid-eligible children, for the Division of Environment, Department of Public Health.**

Whereas, this ordinance constitutes an emergency measure providing for 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 enter into one or more contracts with the Ohio Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the period from July 1, 2005 to June 30, 2007. The contracts shall provide that the City will receive compen-

sation for performing the assessments in the estimated aggregate amount of \$120,320, and other funds that may become available during the contract period.

Section 2. That the Director of Public Health is authorized to sign the documents that are necessary to enter into the contracts.

Section 3. That the Director of Public Health shall deposit the compensation received under this ordinance into a fund or funds designated by the Director of Finance to implement the Lead Program and are appropriated for that purpose.

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

Ord. No. 2192-05.**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 Cuyahoga County for the Lead Investment and Minor Renovation Initiative Program; and to enter into one or more contracts with various agencies, entities, or individuals necessary to implement the grant.**

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$55,000, and any other funds that may become available during the grant term from Cuyahoga County to conduct the Lead Investment and Minor Renovation Initiative ("LAMRI") 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. 2192-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the program as described in the file.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 5. 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 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. 2193-05.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts without competitive bidding with Thermo Electron Corporation for the purchase of not to exceed two X-ray fluorescence analyzers, for the Division of Environment, Department of Public Health.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Thermo Electron Corporation. Therefore the Director of Public Health is authorized to make one or more written contracts with Thermo Electron Corporation on the basis of its proposal dated October 5, 2005, for not to exceed two X-ray fluorescence analyzers, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Environment, Department of Public Health.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 10 SF 302 and 13 SF 178, Request No. 152804.

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

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

Ord. No. 2194-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Health and Human Services to rehabilitate and renovate four City-owned health centers; authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the grant; determining the method of making the public improvement of rehabilitating and renovating four City-owned health centers; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to enter into one or more contracts with QS Technologies, Inc. for the acquisition of one or more licenses for an electronic medical charting system, including but not limited to installation, design, training, testing, technical support, and software maintenance for a period of one year.

Whereas, this ordinance constitutes an emergency measure providing for 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 amount of \$274,978, and any other funds that may become available during the grant term from the United States Department of Health and Human Services to rehabilitate and renovate up to four City-owned health centers; 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 and budget for the grant contained in the file described below.

Section 2. That the summary and budget for the grant, File No. 2194-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, and supplies needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and renovating up to four City-owned recreation centers as described in the file, for the Department of Public Health, 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 7. That the Director of Public Health 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 8. That the Director of Public Health is authorized to enter into one or more contracts with QS Technologies, Inc. for professional services necessary for the acquisition of one or more licenses for a financial information budgeting system and to upgrade and migrate the system, including but not limited to installation, design, training, testing, technical support and software maintenance for a period one year on the basis of their proposal dated November 6, 2005.

Section 9. 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 Health 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 10. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credit-

ed the grant proceeds accepted under this ordinance and the requirements shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 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 Health, City Planning Commission, Finance, Law; Committees on Health and Human Services, City Planning, Finance.

Ord. No. 2195-05.

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

An emergency ordinance authorizing the Director of Public Health to lease property at 18574 Cranwood Parkway in Warrensville Heights, Ohio, from Michael Downing Realty, LLC, for a term not to exceed six months, for the public purpose of occupying space to store and maintain vehicles for the Cleveland House of Corrections.

Whereas, the City of Cleveland requires certain space located at 18574 Cranwood Parkway in Warrensville Heights, Ohio, for the public purpose of leasing space to store and maintain vehicles for the operation of the Cleveland House of Corrections; and

Whereas, Michael Downing Realty, LLC, has proposed to lease the space to the City of Cleveland; 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 Public Health is authorized to lease from Michael Downing Realty, LLC, approximately 4,000 square feet of space located at 18574 Cranwood Parkway in Warrensville Heights, Ohio (the "Premises").

Section 2. That the term of the lease shall commence and possession shall commence within twenty-four hours after execution and shall expire six months thereafter.

Section 3. That the rent for the lease shall be a base rate of \$2,446.67 per month, including utilities. The total lease shall not exceed \$14,680.02. The City shall pay a security deposit of one-month rent at \$2,446.67.

Section 4. That the lease may authorize the City to make improvements to the Premises under terms to be determined by the parties con-

sistent with the public purpose or purposes of leasing space to store vehicles necessary for the operation of the Cleveland House of Corrections.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund No. 01-500302-636000, Request No. 137771.

Section 7. That the lease shall be prepared by the Director of Law.

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

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

Ord. No. 2196-05.

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 United States Environmental Protection Agency for the Day Care Outreach Program; to enter into one or more contracts with various agencies, entities, or individuals; authorizing the director to enter into one or more requirement contracts of materials, equipment, and supplies necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$80,000, and any other funds that may become available during the grant term from the United States Environmental Protection Agency to conduct the Day Care Outreach 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. 2196-05-A, made a part of this ordinance as if fully rewritten, 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 is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the program as described in the file.

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of

Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment and supplies necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance 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.

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

Section 7. 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 8. 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 Health 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 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2197-05.

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

An emergency ordinance authorizing Director of Public Health to apply for and accept a grant from Invest in Children for the MomsFirst and Help Me Grow Partnership Program; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$500,000, and any other funds that may become available during the grant term from Invest in Children to conduct the MomsFirst and Help Me Grow Partnership 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. 2197-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 6. 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 7. 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 Health 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 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2198-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at West 13th Place and Abbey Avenue to Katherine L. Gluntz.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Katherine L. Gluntz no longer needed for public use and located at West 13th Place and Abbey Avenue; and

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

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

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

LEGAL DESCRIPTION
FOR
CITY OF CLEVELAND
P. P. #004-09-060

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot 23, in George Worthington's re-allotment, being a part of Original Brooklyn Township Lots No. 70 and 87, as recorded in Volume 5, Page of 41 in the Cuyahoga County Map records, and being described as follows:

Beginning at the intersection of the Southerly right-of-way line of Abbey Avenue (60 feet wide,) and the Easterly right-of-way line of West 13th Place, (33 feet wide,) the principal place of beginning;

Thence along the Southerly right-of-way line of Abbey Avenue, North 89° 48' 12" East, a distance of 79.76 feet to the Westerly right-of-way line of West 12th Place, (11 feet wide,) to an iron pin set;

Thence along the Westerly right-of-way line of West 12th Place, South 00° 36' 25" East, to the North-eastern corner of West 13th Place

Subdivision, as recorded in Volume 231, Page 84, of the Cuyahoga County Map records, a distance of 31.68 feet to a drill hole set;

Thence along the Northerly line of said subdivision, to the Westerly right-of-way line of West 13th Place, South 89° 22' 56" West, a distance of 79.76 feet to an iron pin set;

Thence Northerly along the Easterly right-of-way line of West 13th Place, North 00° 36' 25" West, a distance of 32.27 feet to an iron pin set, being the principal place of beginning, containing 0.0585 acres of land, more or less, as surveyed by Norman R. Hoovler, P.S. No. 8259.

Subject, however, to all legal right-of-way of previous record;

Basis of Bearings: The centerline of West 12th Place, (i.e. North 00° 36' 25" West,) is the reference meridian as recorded in the West 13th Place Subdivision, Volume 231, Page 84, in the Cuyahoga County Map Records, for the foregoing description, iron pins called for as set are 5/8" iron pins, thirty (30) inches, and capped with a yellow plastic plug inscribed "HOVLER 8259."

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

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

Ord. No. 2199-05.

By Council Member Coats.

An emergency ordinance to amend Sections 369.21 and 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances, relating to condemnation of premises; conditions and notice and penalty.

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

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

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

Section 369.21, as enacted by Ordinance No. 68-A-67, passed April 3, 1967, and

Section 367.99 as amended by Ordinance No. 486-04, passed October 11, 2004,

are amended to read as follows:

Section 369.21 Condemnation of Premises; Conditions and Notice

(a) Any dwelling, dwelling unit, building or structure determined by the **Director of Building and Housing** to have any of the following defects shall be condemned as unfit for human habitation:

(1) One which is so damaged, decayed, dilapidated, **unsanitary**, unsafe or vermin-infected that it creates a hazard to the health, welfare or safety of the occupants or of the public;

(2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or welfare of the occupants or of the public; or

(3) One which, because of its general condition or location is **unsanitary** or otherwise dangerous to the health, safety or welfare of the occupants or of the public.

(b) Notice of such condemnation and placarding the condemned dwelling, dwelling unit, building or structure shall be accomplished as provided in this Housing Code.

(c) No person shall rent, lease, inhabit or allow to be rented, leased, or inhabited any dwelling, dwelling unit, building or structure condemned unfit for human habitation by the Director of Building and Housing.

Section 367.99 Penalty

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply with this Housing Code or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Housing Inspector at a reasonable hour, and who ever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply with this Housing Code or with

any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

(b) Whoever violates Section 367.11 shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense thereof.

(c) Whoever violates Section 367.12, **367.13, or division (c) of Section 369.21** shall be guilty of a misdemeanor of the first degree.

(d) Whoever violates Section 371.01 shall receive a mandatory fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(e) Whoever violates Sections 369.13, 369.14, 369.15, 369.16, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13 or Section 369.08 as a first offense shall be fined not more than one fifty hundred dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates Sections 392.02, 392.03, 392.04, 392.05 or 392.06 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) Whoever violates Section 369.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days or both. Whoever violates Section 369.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(g) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

(h) The Director of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward and shall provide the Councilperson of each ward with a writ-

ten weekly report listing the violations of this section in their particular ward.

(i) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 2. That the following

existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 369.21, as enacted by Ordinance No. 68-A-67, passed April 3, 1967, and

Section 367.99 as amended by Ordinance No. 486-04, passed October 11, 2004,

are repealed.

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

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

Ord. No. 2201-05.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with CASNET for professional services necessary to support and maintain OnBase hardware and software for a two year period.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with CASNET for professional services necessary to support and maintain OnBase hardware and software for a two year period on the basis of its proposal dated July 12, 2005, in the total sum of \$187,200, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 52 SF 001, Request No. 161366.

Section 2. That the Director of Public Utilities is further authorized to enter into any third-party software license agreements necessary to effect the purposes of this ordinance.

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

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

Ord. No. 2202-05.
By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to K & D Enterprises, Inc., Managing Member of Stonebridge Towers Ltd., to encroach into the public rights-of-way above Washington Avenue and Elm Street by installing, using, and maintaining street level building overhangs at their apartment/condominium building, Phase V to be located at 2020 Center Street.

Whereas, this ordinance constitutes an emergency measure providing for 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 K & D Enterprises, Inc., Managing Member of Stonebridge Towers Ltd., 8383 Mentor Avenue, Mentor Ohio 44060 ("Permittee") to encroach into the public rights-of-way above Washington Avenue and Elm Street by installing, using, and maintaining street level building overhangs at their apartment/condominium building, Phase V, at the following location:

LEGAL DESCRIPTION
 Encroachment Permit
 2020 Center Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Numbers 51 and 70, said parcel being further bounded and described as follows:

Beginning at the intersection of the northeasterly line of Center Street, 66 feet wide, and the southeasterly line of Washington Avenue, 66 feet wide;

thence North 18°-39'-17" East along the southeasterly line of Washington Avenue, a distance of 115.00 feet to the PRINCIPAL PLACE OF BEGINNING of the parcel herein described;

Course No. 1: thence North 71°-20'-43" West, a distance of 10.00 feet to a point;

Course No. 2: thence North 18°-39'-17" East along a line parallel with and distant 10.00 feet northwesterly by rectangular measurement from the southeasterly line of Washington Avenue, a distance of 129.27 feet to a point;

Course No. 3: thence South 71°-23'-56" East along a line parallel with and distant 15.00 feet northeasterly by rectangular measurement from the southwesterly line of Elm Street, a distance of 158.33 feet to its intersection with the northwesterly line of the Superior Viaduct, 80 feet wide, as dedicated in Volume 11 of Maps, Page 46 of Cuyahoga County Records;

Course No. 4: thence South 29°-07'-58" West along the northwesterly line of the Superior Viaduct, a distance of 15.26 feet to its intersection with the southwesterly line of Elm Street, 66 feet wide;

Course No. 5: thence North 71°-23'-56" West along the southwesterly line of Elm Street, a distance of 145.55 feet to its intersection with the southeasterly line of Washington Avenue, as aforesaid;

Course No. 6: thence South 18°-39'-17" West along the southeasterly line of Washington Avenue, a distance of 114.28 feet to the principal place of beginning, containing 0.0803 acres of land more or less, as described in November of 2005 by Timothy J. Feller, Registered Professional Land Surveyor No. 7104 for and on behalf of *McSteen & Associates, Inc.* under Project No. 05-066 and is subject to all legal highways and easements of record.

The bearings used in this legal description are to an assumed meridian and are used to denote angles only.

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

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 encroachment(s).

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 encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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. 2203-05.

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

An emergency ordinance authorizing the Director of Public Service to transfer property described as the old asphalt plant, located at West 3rd Street to the control, possession, and use of the Department of Economic Development, for environmental remediation and development.

Whereas, the Department of Public Service desires to transfer certain property under its control to the

Department of Economic Development; and

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

Whereas, the property to be transferred will become a component of the City of Cleveland's industrial land reutilization program, as established by Ordinance No. 717-05 and, as such, will be regulated by Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, regarding acquisition and disposition of the property; and

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

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

Section 1. That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is authorized to transfer the following property, depicted in the map placed in File No. 2203-05-A, to the control, possession, and use of the Department of Economic Development.

Section 2. That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

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

Ord. No. 2204-05.

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 Federal Emergency Management Agency for the 2005 Assistance to Firefighters, Fire Prevention and Safety Grant; and to enter into one or more requirement contracts necessary for the purchase of materials, equipment, supplies, and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the

amount of \$79,628, from Federal Emergency Management Agency to conduct the 2005 Assistance to Firefighters, Fire Prevention and Safety Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2204-05-A, made a part of this ordinance as if fully rewritten is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and training needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the 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.

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 Public Safety 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.

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

Ord. No. 2205-05.
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 University Hospitals for the Safe Communities, Targeted Enforcement Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$60,000, from University Hospitals to conduct the Safe Communities, Targeted Enforcement 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 planning worksheet for the grant contained in the file described below.

Section 2. That the planning worksheet for the grant, File No. 2205-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Ord. No. 2206-05.
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 University Hospitals for the Safe Communities, DUI Prevention Task Force Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$16,000, from University Hospitals to conduct the Safe Communities, DUI Prevention Task Force 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

planning worksheet for the grant contained in the file described below.

Section 2. That the planning worksheet for the grant, File No. 2206-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Ord. No. 2207-05.
By Council Members White, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to Community United Head Start and Day Care, Inc. for a term of one year, at the Earle B. Turner Recreation Center located at 11300 Miles Avenue, for the purpose of operating a day care.

Whereas, the City of Cleveland owns certain property known as the Earle B. Turner Recreation Center located at 11300 Miles Avenue, which is suitable for lease and operation by another party for a public use; and

Whereas, Community United Head Start and Day Care, Inc. 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 Community United Head Start and Day Care, Inc ("Lessees"), certain property more fully described in File No. 2207-05-A, which is suitable for lease and operation by another party for the public purpose of operating a day care facility for the term of the lease.

Section 2. That the term of the lease authorized by this ordinance shall not exceed one year, beginning September 1, 2005 and ending August 31, 2006.

Section 3. That the property described above shall be leased at a rental of \$1,266.67 per month which is determined to be fair market value.

Section 4. That the lease may authorize the Lessees 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 and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other 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.

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

Ord. No. 2208-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Medical Mutual to encroach into the public right-of-way of East 9th Street and Prospect Avenue by installing, using, and maintaining planter boxes, planting beds and other streetscape obstructions to be approved by the Director 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 issue a permit, revocable at the will of Council, to Medical Mutual, 2060 East 9th Street, ("Permittee") to encroach into the public right-of-way of East 9th Street and Prospect Avenue by installing, using, and maintaining concrete planter boxes, planting beds and other streetscape obstructions to be approved by the Director of Public Service, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Numbers 107 and 108 said parcel being further bounded and described as follows:

Beginning at the intersection of the northerly line of Prospect Avenue, 82.5 feet wide, and the westerly line of East 9th Street, 99 feet wide; and being a 20 foot strip from the building face, to the curb face, northerly along the westerly side of East 9th street to the southerly line of Benjamin Rose Court 15 feet wide and westerly along the northerly side of Prospect Avenue about 266 feet.

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

Permittee may assign the permit only with the prior 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 encroachment(s).

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

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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. 2209-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of testing of miscellaneous safety equipment, 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 testing of miscellaneous safety equipment, including but not limited to rubber goods, electric equipment, and insulating 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 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 157740)

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. 2210-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 5158 Broadway Avenue to Dr. Javier Lopez.

Whereas, the Director of Economic Development has requested the sale of the City-owned property to Dr. Javier Lopez no longer needed for public use and located at 5158 Broadway Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property located at 5158 Broadway Avenue, depicted on the map placed in File No. 2210-05-A, is no longer needed for public use.

Section 2. That the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Dr. Javier Lopez under terms to be negotiated by the Department of Economic Development which is determined to be fair market value by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require

and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

Ord. No. 2211-05.

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

An emergency ordinance to amend Sections 1 and 5 of Ordinance No. 257-97, passed April 14, 1997, as amended by various ordinances, relating to expending Economic Development Initiative Grant and Section 108 Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under this 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 Sections 1 and 5 of Ordinance No. 257-97, passed April 14, 1997, as amended by Ord. Nos. 587-99, passed June 7, 1999, 905-01, passed June 11, 2001, and 2204-04, passed March 28, 2005, are amended to read as follows:

Section 1. That the Director of Economic Development is authorized to enter into contracts for financial assistance, the aggregate amount of which shall not exceed **\$3,200,000.00**, and execute other agreements with small businesses as are necessary for the Empowerment Zone Business Opportunity Program ("Program") which Program provides grants and loans to small businesses in the Empowerment Zone.

Section 5. That the contracting authority granted shall expire on December 31, **2006**, the Director of Economic Development shall, within six months of the effective date of this ordinance, report to Council on activity of the Program, including, but not limited to, the number and value of contracts entered into and projects completed under the Program.

Section 2. That existing Sections 1 and 5 of Ordinance No. 257-97, passed April 14, 1997, as amended by Ord. Nos. 587-99, passed June 7, 1999, 905-01, passed June 11, 2001, and 2204-04, passed March 28, 2005, are repealed.

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

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training Finance.

Ord. No. 2212-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with 410 Euclid LLC, to provide for the repayment of Core City funds used to partially finance certain improvements to certain parcels; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 1271-05, passed October 17, 2005, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.42 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; 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 improvements to be constructed by 410 Euclid LLC ("Redeveloper"), as more fully described in File No. 2212-05-A, ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 and 5709.42 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of twenty years beginning tax year 2007; and that in no event shall the exemption period extend beyond tax year 2027.

Section 3. That, under Section 5709.42 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of twenty years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained the file mentioned above.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 2200-05.

By Council Members Brady and Cimperman (by departmental request).

An ordinance to amend Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, relating to the zoning of parcels on the west side of West 117th Street between Western Avenue and Interstate 90. (Map Change No. 2149, Sheet 2)

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

Section 1. That Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, are amended to read as follows:

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

Beginning in the centerline of W. 117th Street (80 feet wide) at its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Ida Handy by Certificate of Transfer dated February 21st, 1997 and recorded in Volume 97-1483, Page 38 of Cuyahoga County Records said

parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number (PPN) 021-18-012;

Thence Southerly along said centerline to its intersection with the centerline of Interstate 90;

Thence Southwesterly along the centerline of Interstate 90 to its intersection with the centerline of W. 121st Street (50 feet wide);

Thence Northerly along the centerline of W. 121st Street to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Ida Handy by Certificate of Transfer dated February 21st 1997 and recorded in Volume 97-1483, Page 42 of Cuyahoga County Records said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 021-18-023;

Thence Easterly along said Westerly prolongation and Northerly line, to its intersection with the Northerly prolongation of the Westerly line of the aforesaid parcel of land conveyed to Ida Handy and also being known as Cuyahoga County Auditor's Permanent Parcel Number 021-18-012;

Thence Southerly along said Northerly prolongation and Westerly line to its intersection of the Northerly line of said parcel so conveyed to Ida Handy;

Thence Easterly along said Northerly line to the place of beginning, and as shaded on the attached map is changed to a General Retail Business District.

Section 2. That the Use Districts of lands bounded and described as follows:

Beginning in the centerline of W. 121st Street (50 feet wide) at its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Ida Handy by Certificate of Transfer dated February 21st, 1997 and recorded in Volume 97-1483, Page 42 of Cuyahoga County Records said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 021-18-023;

Thence Easterly along said prolongation and Northerly line approximately 421 feet to the principal point of beginning, said point also being the Northeasterly corner of a parcel conveyed to Ida Handy as aforesaid;

Thence continuing Easterly along the Easterly prolongation of said Northerly line approximately 450 feet to its intersection with the Northerly prolongation of the centerline of West 118th Place (14 feet wide);

Thence Southerly along said prolongation and centerline approximately 25 feet to its intersection with the Northerly line a parcel of land conveyed to Ida Handy by Certificate of Transfer dated February 21st, 1997 and recorded in Volume 97-1483, Page 38 of Cuyahoga County Records, said parcel also being known as Cuyahoga County Auditor's Number 021-18-012;

Thence Westerly along said Northerly line to its intersection with the Easterly line of said parcel of land conveyed to Ida Handy by Certificate of Transfer dated February 21st, 1997 and recorded in Volume 97-1483, Page 42 of Cuyahoga County Records (PPN 021-18-023);

Thence Northerly along said Easterly line to the principal point of beginning.

and as shaded on the attached map is changed to a General Industry District.

Section 2. That existing Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, are repealed.

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

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

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

Ord. No. 2213-05.

By Council Member Britt.

An emergency ordinance amending Section 1 of Ordinance No. 1547-05, passed August 3, 2005 as it to authorizing the Director of Community Development to enter into an agreement with Cleveland Art Theatre for the Innovative After School Enrichment Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 1547-05, passed August 3, 2005 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Cleveland Art Theatre for the Innovative After School Enrichment Program for the public purpose of providing educational activities and art programs for Cleveland youth in the performing arts through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 1547-05, passed August 3, 2005 is hereby repealed.

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

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

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

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

Res. No. 2214-05.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1150 East 185th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from True North Energy, LLC, DBA True North #374, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 90739950530 to Bay Village Julien,

Inc., DBA East 185th Street Shell, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 0533622; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from True North Energy, LLC, DBA True North #374, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 90739950530 to Bay Village Julien, Inc., DBA East 185th Street Shell, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 0533622; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1530-05.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 77th Street to Gertrude Jackson.

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

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

Ord. No. 1635-05.

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

An emergency ordinance giving consent of the City of Cleveland to the Cuyahoga County Commissioners for the rehabilitation of Berea Road from Triskett Road to Detroit Avenue; authorizing the Director of Public Service to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment of the City's share to the Cuyahoga County Commissioners for the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committees on Public Service, City Planning; Passage recommended by Committee on Finance.

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

Ord. No. 1636-05.

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

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

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committees on Public Service, City Planning; Passage recommended by Committee on Finance.

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

Ord. No. 1883-05.

By Council Member Lewis.

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

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on Community and Economic Development; Passage

recommended by Committee on Finance.

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

Ord. No. 1894-05.

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

An emergency ordinance to amend Section 16 of Ordinance No. 1982-02, passed June 10, 2003, relating to projects to be funded by the Core City Program and Economic and Community Development in the City.

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

1. Insert new Section 3 to read as follows:

"Section 3. That the executive summary and other handouts presented to the Finance Committee of this Council and the schedule of fund balances described at the Finance Committee and previously provided to the Citywide Community Development Corporation shall be placed in File No. 1894-05-A."

2. Renumber existing Section 3 to new "Section 4".

Amendments agreed to.

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

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

Ord. No. 1962-05.

By Council Member Lewis.

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

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

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

Ord. No. 2037-05.

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

An emergency ordinance to amend the title and Section 3 of Ordinance No. 1146-05, passed July 13, 2005, regarding the improvement to East 12th and East 13th Streets, St. Clair, Rockwell, Superior Avenues, and unnamed streets between E. 13th, Rockwell, Superior and E. 18th Streets; to supplement the ordinance by adding new Section 3; and to renumber existing Sections 3 and 4 to new Sections 4 and 5.

Approved by Directors of Public Service, Public Utilities, Community Development, City Planning Commission, Finance, Law; Relieved of Committees on Public Service, Public Utilities, Community and Eco-

nomics Development, City Planning; Passage recommended by Committee on Finance.

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

Ord. No. 2040-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Dealer Tire, LLC to provide for a 10-year, 60% percent tax abatement on real property improvements, and a 4-year, 60% tax abatement on personal property acquisition in the form of new machinery and equipment, inventory, and furniture and fixtures to assist with the expansion at 3711 Chester Avenue, Cleveland, Ohio 44114.

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

1. In the title, line 4, and in the third whereas clause, line 1, strike "Dealer Tire, LLC" and insert "**Dealer Tire, LLC and Mueller Realty, LLC**".

2. In Section 3, line 2, strike "File No. 2040-05-A" and insert "**File No. 2040-05-B**".

Amendments agreed to.

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

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

Ord. No. 2041-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a venue for film, television, and commercial productions.

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

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

Ord. No. 2067-05.

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

An emergency ordinance to amend various sections of Chapter 191 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004, relating to municipal income tax.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read

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

Ord. No. 2081-05.

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

An emergency ordinance to amend Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, relating to a contract with The Great Lakes Towing Company for financial assistance for services and to construct improvements to 4500 Division Avenue.

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

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

Ord. No. 2082-05.

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

An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, relating to an Enterprise Zone Agreement with The Great Lakes Towing Company for 4500 Division Avenue.

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

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

Ord. No. 2126-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to make additional appropriations of One Million Two Hundred Thousand Dollars (\$1,200,000) of the General Fund; One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) of the Special Revenue Fund; One Hundred Forty Thousand Dollars (\$140,000) of the Internal Service Fund; and Eighty Five Thousand Dollars (\$85,000) of the Enterprise Fund.

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

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

Ord. No. 2128-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide the transfer of Five Million Four Hundred Eighty Seven Thousand Dollars (\$5,487,000) within various divisions of the General Fund; Fifty Thousand Dollars (\$50,000) within the Special Revenue Fund; One Hundred Seventy Five Thousand Dollars (\$175,000) within the Internal Service Funds; and Eight Hundred Seventy Six Thousand Dollars (\$876,000) within the Enterprise Fund.

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

1. In the title, lines 2, 3, and 4, strike "Five Million Four Hundred Eighty Seven Thousand Dollars (\$5,487,000)" and insert "**Five Million Five Hundred Eighty Seven Thousand Dollars (\$5,587,000)**".

2. In Section 1, lines 1 and 2, strike "Six Million Five Hundred Eighty Eight Thousand Dollars (\$6,588,000)" and insert "**Six Million Six Hundred Eighty Eight Thousand Dollars (\$6,688,000)**".

3. In Section 1, at the list of transfers, page 1, between the title "GENERAL FUND" and "JUDICIAL BRANCH" insert the following new transfer:

"LEGISLATIVE BRANCH

Council and Clerk of Council			
I Personnel and Related Expenses	\$ --		\$100,000
II Other Expenses	\$100,000	\$ --	

TOTAL LEGISLATIVE BRANCH	\$100,000	\$100,000	
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4. In Section 1, at the list of transfers, page 5, at "TOTAL GENERAL FUND", strike "\$5,487,000" from both columns and insert "**\$5,587,000**" in both columns.

5. In Section 1, at the list of transfers, page 6, at the end, at "TOTAL ALL FUNDS", strike "\$6,588,000" from both columns and insert "**\$6,688,000**" in both columns.

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

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

Ord. No. 2129-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of office supplies, for the various divisions of City government, for a period of two years with one option to renew for an additional one-year term.

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

1. In the title, line 5, strike "two years" and insert "**one year**".

2. In Section 1, line 3, strike "two year" and insert "**one year**".

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

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

Ord. No. 2130-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper and envelopes, for the Division of Printing and Reproduction, Department of Finance.

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

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

Ord. No. 2131-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products and cloth wipers, for the various divisions of City government, 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, lines 5 and 6, strike "two years" and insert "**one year**".

2. In Section 1, line 3, strike "two years" and insert "**one year**".

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

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

Ord. No. 2132-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of lumber, for the various divisions of City government, 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, lines 4, and 5, strike "two years" and insert "**one year**".

2. In Section 1, line 3, strike "two years" and insert "**one year**".

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

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

Ord. No. 2133-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed, uniformed security guard services, for the various divisions of City government, 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 4, strike "two years" and insert "**one year**".

2. In Section 1, line 3, strike "two years" and insert "**one year**".

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

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

LAIID ON THE TABLE**Ord. No. 1838-05.**

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

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

Without objection, Ordinance No. 1838-05 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 1838-05 laid on the table.

MOTION

By Council Member Zone, seconded by Council Member Pierce Scott and unanimously carried that the absence of Council Members Patricia J. Britt, Nelson Cintron, Jr. and Michael A. Dolan, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:30 p.m. to meet Monday, December 5, 2005 at 7:00 p.m. in the Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 23, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 23, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Absent: Director Taylor.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Ed Nunez, Acting Director, Office of Equal Opportunity.

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

Resolution No. 653-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Records Cen-

tral, Inc., except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of off-site back-up media storage, all items, for various divisions of City Government, for a term of two years beginning with the date of execution of a contract, received on the 24th day of August 2005, under the authority of Ordinance No. 1207-03, passed August 13, 2003, which on the basis of the estimated quantity would amount to \$90,615.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such items, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 142001 which shall be certified against the contract in the sum of \$6,767.38.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirements for the items, 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 according to Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by Records Central, Inc. in the amount of \$4,413.00, which is less than 10% of the amount required under Section 181.24 C.O., is waived for the reason that such waiver is in the public interest.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 654-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Hertz Equipment Rental Corp. for an estimated quantity of rental of various heavy duty equipment, Group A, except for such terms and conditions as are unacceptable to the Director of Law, for the Divisions of Cleveland Public Power, Water and Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 16th day of September 2005, under the authority of Ordinance No. 1022-05, passed June 13, 2005 on the basis of the estimated quantity would amount to \$75,000.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157717

which shall be certified against the contract in the sum of \$3,750.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the

requirement for the commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 655-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of All Erection & Crane Rental Corp. for an estimated quantity of rental of various heavy duty equipment, Group B, for the Divisions of Cleveland Public Power, Water and Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 16th day of September 2005, under the authority of Ordinance No. 1022-05, passed June 13, 2005 on the basis of the estimated quantity would amount to \$75,000.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157718

which shall be certified against the contract in the sum of \$3,750.00.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 656-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Preventive Power and Maintenance, Inc. for an estimated quantity of labor and materials necessary to clean insulators, bushings and lighting arrestors, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 12th day of October 2005, under the authority of Ordinance No. 894-05, passed June 6, 2005 on the basis of the estimated quantity would amount to \$474,500.00 (2% Net 15 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 the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157723

which shall be certified against the contract in the sum of \$23,725.00.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 657-05.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 2, 2005, for the public improvement of Harvard Yard Distribution & Maintenance Facility Improvements, for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 553-05, passed June 6, 2005, are hereby rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 658-05.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on October 27, 2005, for the public improvement of the new Parks Maintenance Facility for Rockefeller Park, for the Department of Public Service, under the authority of Ordinance No. 2042-03, passed on December 15, 2003, by the Council of the City of Cleveland, be and the same are rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 659-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Kenmore Construction Company for the public improvement of grinding of the local streets, all items, for the Division of Streets, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on September 22, 2005, under the authority of Ordinance No. 771-04, passed May 17, 2004, upon a unit basis for the improvement to be performed as ordered during the period of two (2) years at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$1,470,000.00, is approved as the lowest responsible bid, and the Director

of Public Service is requested to enter into a requirement contract for the improvements, which shall provide for the initial performance of the following work under such contract:

Requisition No. 160002

which shall be certified against such contract in the sum of \$80,000.00.

The requirement contract shall further provide that the contractor will perform the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Kenmore Construction Company Inc. for the grinding of local streets is approved:

Granger Trucking
MBE — \$80,500.00 — 5.48%

M & R Enterprise
MBE — \$40,250.00 — 2.74%

SLP Paving
FBE — \$40,250.00 — 2.74%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 660-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of Fisher Scientific Company, L.L.C. for an estimated quantity of wireless audio/visual system, all items, for the Department of Public Safety, Division of Fire, for the period of one (1) year beginning with the date of execution of a contract, received on October 6, 2005, under the authority of Ordinance No. 1086-04, passed by Cleveland City Council on August 11, 2004, which on the basis of the estimated quantity would amount to \$21,200.00 is affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 160905

which shall be certified against the contract in the sum of \$21,200.00.

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: Mayor Campbell, Acting Directors Horvath, Schneider, Direc-

tor Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 661-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of McCrone Microscopes for an estimated quantity of diagnostic equipment for Olympus BX 51 microscope, all items, for the Department of Public Safety, Division of Fire, for the period of one (1) year beginning with the date of execution of a contract, received on October 6, 2005, under the authority of Ordinance No. 1086-04, passed by Cleveland City Council on August 11, 2004, which on the basis of the estimated quantity would amount to \$14,289.35 is affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 160906

which shall be certified against the contract in the sum of \$14,289.35.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 662-05.

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 240-04, passed by the Council of the City of Cleveland on July 14, 2004, Professional/Zone Travel, is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to provide travel booking services, which may include payment for airline tickets for the various divisions of City government and the Cleveland Municipal Court, for a term not to exceed three years on an as-needed basis with two one-year options to renew.

Be it further resolved, that the Director of Finance is requested to enter into a written contract with Professional/Zone Travel based upon its August 27, 2004 proposal to provide travel booking services, which may include payment for airline tickets for the various divisions of City government and the Cleveland Municipal Court, for a term not to exceed three years on an as-needed basis with two one-year options

to renew for a cost not to exceed \$8,500 per year, which contract will be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Director Taylor.

Resolution No. 663-05.

By Director Huth.

Whereas, under Ordinance No. 1541-05, passed October 17, 2005 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, to acquire title to the property described therein and to re-convey the property to Steelyard Commons LLC, consistent with Section 5709.41(B)(1) of the Ohio Revised Code, for \$1.00 and other valuable considerations determined to be fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1541-05, passed October 17, 2005 by the Council of the City of Cleveland, the Board determines that the consideration of \$1.00 and other valuable considerations for conveying to Steel Commons LLC the properties described in Ordinance No. 1541-05, as amended, to be fair market value.

Be it further resolved, that the Mayor of the City of Cleveland is requested and the Commissioner of Purchases and Supplies is directed to execute and deliver the official quitclaim deeds of the City of Cleveland conveying the above-mentioned real property.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Director Taylor.

Resolution No. 664-05.

By Director Huth.

Whereas, under Ordinance No. 862-05, passed May 2, 2005 by the Council of the City of Cleveland, as amended by Ordinance Nos. 1292-05, passed July 13, 2005, and 1521-05, passed August 3, 2005, the Commissioner of Purchases and Supplies is authorized to acquire title to the properties described therein and to convey the properties to Target Corporation, consistent with Section 5709.41(B)(1) of the Ohio Revised Code, for \$1.00 and other valuable considerations determined as fair market value by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 862-05, passed May 2, 2005 by the Council of the City of Cleveland, as amended by Ordinance Nos. 1292-05, passed July 13, 2005 and 1521-05, passed August 3, 2005, the

Board determines that the consideration of \$1.00 and other valuable considerations for conveying to Target Corporation the properties described in Ordinance No. 862-05, as amended, to be fair market value.

Be it further resolved, that the Mayor of the City of Cleveland is requested and the Commissioner of Purchases and Supplies is directed to execute and deliver the official quitclaim deeds of the City of Cleveland conveying the above-mentioned real property.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Directors Pettus, Glending, Directors Rush, Routen, Huth, Fumich and Williams.

Nays: None.
Absent: Director Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 12, 2005

9:30 A.M.

Calendar No. 05-348: 3479 West 122nd Street (Ward 19)

Edith Berki, owner, appeals to enclose an existing 7' x 13' open front porch of a two-story single family dwelling, situated on a 35' x 105' parcel in an A1 One-Family District on the east side of West 122nd Street at 3479 West 122nd Street; contrary to Section 357.13(b)(4), the

enclosed front porch projects 7' and may not exceed 4' and the Board of Zoning Appeals shall have no power to authorize as a variance the location of any structure nearer the street line than a required setback building line, unless the depth or width of the lot is sufficiently less than the width or depth of other lots in the same block or unless there exists a building extending beyond such required setback on the same side of the same block within 150' from either side lot line of the lot in question, as stated in Section 329.04(c)(1) of the Codified Ordinances.

Calendar No. 05-350: 1374 East 51st Street (Ward 13)

Ohio Technical College, owner, and Mark Brenner, appeal to install two 98 square foot free-standing identification signs, proposed to be placed on property facing the corners of East 49th Street and St. Clair Avenue and East 51st Street and St. Clair Avenue in a Semi-Industry District at 1374 East 51st Street; subject to the limitations of the Supplemental Sign Regulations for Secondary Entrances, where there are lots served by more than one vehicular entrance, one additional free-standing identification sign shall be permitted at each entrance, if there is a minimum distance of 500' as measured along street lines; and where such distance is less than 500' but more than 300' a second free-standing identification sign is permitted, if each sign is no more than a 12' height and the combined area of the two signs is no greater than 150% of the maximum sign area permitted for a single free-standing identification sign on the subject lot, as stated in Section 350.20(b)(2) of the Codified Ordinances.

Calendar No. 05-351: 1876-84 West 54th Street - Unit A (Ward 17)

Denison Homes and Michael DeCesare, owner, appeal to erect a single family dwelling unit and garage in a six unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where 1,019 is allowed and a minimum lot area of 2,038 s/f is proposed instead of 2,400 s/f; with a 5' rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-352: 1876-84 West 54th Street - Unit B (Ward 17)

Denison Homes and Michael DeCesare, owner, appeal to erect a single family dwelling unit and garage

yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-361: 1876-84 West 54th Street - Unit K (Ward 17)

Denison Homes and Michael De-Cesare, owner, appeal to erect a single family dwelling unit and garage in a six unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where 649 s/f is allowed and a minimum lot area of 1,298.1 s/f is proposed instead of 2,400 s/f; with a 5' rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-362: 1876-84 West 54th Street - Unit L (Ward 17)

Denison Homes and Michael De-Cesare, owner, appeal to erect a single family dwelling unit and garage in a six unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where 646.9 s/f is allowed and a minimum lot area of 1,293.7 s/f is proposed instead of 2,400 s/f; with a 5' rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-363: 1876-84 West 54th Street - Unit M (Ward 17)

Denison Homes and Michael De-Cesare, owner, appeal to erect a single family dwelling unit and garage in a four unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where

620.8 s/f is allowed and a minimum lot area of 1,241.5 s/f is proposed instead of 2,400 s/f; with a 8' rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-364: 1876-84 West 54th Street - Unit N (Ward 17)

Denison Homes and Michael De-Cesare, owner, appeal to erect a single family dwelling unit and garage in a four unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where 495.9 s/f is allowed and a minimum lot area of 991.7 s/f is proposed instead of 2,400 s/f; with an 8'-4" rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-365: 1876-84 West 54th Street - Unit O (Ward 17)

Denison Homes and Michael De-Cesare, owner, appeal to erect a single family dwelling unit and garage in a four unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where 501 s/f is allowed and a minimum lot area of 1,001.9 s/f is proposed instead of 2,400 s/f; with an 8'-9" rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Calendar No. 05-366: 1876-84 West 54th Street - Unit P (Ward 17)

Denison Homes and Michael De-Cesare, owner, appeal to erect a single family dwelling unit and garage in a four unit, three-story townhouse building, proposed to be situated on a 120' x 235' parcel in a Two-Family District on the west side of West 54th Street, where the proposed townhouse building is subject to the

limitations of Section 337.03 and not permitted in a Two-Family District and contrary to Sections 355.04(a) and (b), the maximum gross floor area proposed is 1,300 s/f where 633.8 s/f is allowed and a minimum lot area of 1,267.6 s/f is proposed instead of 2,400 s/f; with an 8'-10" rear yard depth where Section 357.08(b)(1) requires a 20' rear yard; and in a Two-Family District no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Sections 357.09(b)(2)B of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 28, 2005

At the meeting of the Board of Zoning Appeals on Monday, November 28, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 05-334: 2301 Thurman Avenue

Jeff Eizember appealed to raise by 4' the height of a roof on an existing two family dwelling in a Two-Family District.

Calendar No. 05-338: 18501 Neff Road

Tops Markets LLC appealed to install 4' tall solid wood fence along the northern perimeter of an irregular shaped parcel that faces Shawnee Avenue in a Local Retail Business District.

Calendar No. 05-255: 2780 East 116th Street

Hanini Properties appealed to expand a gas station by constructing a one-story retail sales building in a Local retail Business District.

The following appeal was **Denied**:

Calendar No. 05-333: 3800 Carlyle Avenue

Aeazael Velazquez appealed to install 70 linear feet of 6' tall fence to enclose the rear yard of a corner parcel in a Two-Family District.

The following appeals were **Postponed**:

Calendar No. 05-322: 2849 East 55th Street postponed to January 3, 2006.

Calendar No. 05-335: 7202 Union Avenue postponed to January 3, 2006.

Calendar No. 05-162: 2603 Scranton Road postponed to February 6, 2006.

Calendar No. 05-302: 1623 Allman Court postponed to February 6, 2006.

In Executive Session on November 28, 2005, the following appeals heard by the Board on November 21, 2005 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 05-281: 6501 Clark Avenue

Map Partnership, owner, and Alex Berkov, tenant, appealed to erect a 32 square foot, non-illuminated, free-standing advertising sign on an irregular shaped corner parcel located in Semi-Industry and General Industry Districts; subject to conditions.

The following appeal was **Withdrawn:**

Calendar No. 05-304: 10404-06 Clifton Boulevard

Smythe-Ford Real Estate Investments, LLC, owner, and Lisette Bryson, tenant, appealed to change a retail store use to a restaurant in the westerly two spaces of an existing nonconforming retail building in a One-Family District.

Request for Rehearing was granted for the following appeal:

Calendar No. 05-250: 3664 West 46th Street

Patricia Jordan appealed to install 203 linear feet of 6' high chain link fence in the side street yard of a corner lot in a Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Monday, December 5, 2005 9:00 A.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, December 5, 2005, at 9:00 A.M., to consider the fol-

lowing ordinances now pending in the Council:

Ord. No. 1786-05.

By Council Member Polensek.

An ordinance to change the zoning of properties south of St. Clair between Ruple Rd. and Rondel Rd. from a Multi-Family Residential District and a Local Retail Business District to a One Family Residential District; the Area District from a 'C' to an 'A'; and the Height District from a '2' to a '1' and also to establish a Planned Unit Development Overlay District PUD (Map Change Number 2139, Sheet number 7)

Ord. No. 1897-05.

By Council Member Zone.

An ordinance to change the zoning of parcels bounded by Merrill Avenue and West 61st Street as shown on the attached map from Two-Family Residential, a 'B' Area District and a '1' Height District to a Semi-Industry Use District, a 'C' Area District and a '2' Height District. (Map Change No. 2164, Sheet 2).

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

Joseph C. Cimperman
Chairman

Committee on City Planning

November 23, 2005 and November 30, 2005

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or

FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, DECEMBER 8, 2005

Digital Imaging System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 1, 2005 AT 10:00 A.M., CLEVELAND POLICE DEPARTMENT BUDGET UNIT, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.

Bombs Suits, Helmets and Accessories, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 1, 2005 AT 11:00 A.M., CLEVELAND POLICE DEPARTMENT BUDGET UNIT, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.

Explosive Storage Magazine, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 2, 2005 AT 10:00 A.M., CLEVELAND POLICE DEPARTMENT BUDGET UNIT, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.

Upgrades for the Andros F6A Bomb Robot, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 2, 2005 AT 11:00 A.M., CLEVELAND POLICE DEPARTMENT BUDGET UNIT, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.

November 23, 2005 and November 30, 2005

FRIDAY, DECEMBER 9, 2005

Prisoner Van Interiors, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, DECEMBER 2, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Constructing and Installing Replacement Sewers and Rehabilitating and Repairing Sewers at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, Section 129.292, passed by the Council of the City of Cleveland, July 16, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, THURSDAY, DECEMBER 1, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

November 23, 2005 and November 30, 2005

THURSDAY, DECEMBER 15, 2005

Camp Forbes Improvement '06, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 849-01, passed by the Council of the City of Cleveland, August 15, 2001.

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 TUESDAY, DECEMBER 6, 2005 AT 2:00 P.M., CAMP FORBES (MAIN BUILDING), 25440 HARVARD ROAD, HIGHLAND HILLS, OHIO 44122.

Fourth District Police Headquarters Parking Lot Fencing Replacement, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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, DECEMBER 8, 2005 AT 2:00 P.M., DIVISION OF ARCHITECTURE, 601 LAKESIDE

AVENUE, ROOM 517, CLEVELAND, OHIO 44114.

November 23, 2005 and November 30, 2005

WEDNESDAY, DECEMBER 14, 2005

Renovation of Main File and Office Areas Department of Building and Housing, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 835-02, passed by the Council of the City of Cleveland, June 3, 2002.

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, DECEMBER 8, 2005 AT 10:00 A.M., DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Improvements to Harvard Yards Service Facility for the Division of Motor Vehicle Maintenance, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2146-03, passed by the Council of the City of Cleveland, February 9, 2004.

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, DECEMBER 8, 2005 AT 2:00 P.M., DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 30, 2005 and December 7, 2005

THURSDAY, DECEMBER 15, 2005

Trailers, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, DECEMBER 8, 2005 AT 2:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Roll-Off Hoist Body, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING

THURSDAY, DECEMBER 8, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Cab/Chassis with Paint Body, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, DECEMBER 9, 2005 AT 2:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Keys, Locks and Hardware, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 547-05, passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, DECEMBER 9, 2005 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASING & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 30, 2005 and December 7, 2005

FRIDAY, DECEMBER 16, 2005

Canopy Ice Guard WBS No. C-410-05, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 274-05, passed by the Council of the City of Cleveland, May 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, DECEMBER 8, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

November 30, 2005 and December 7, 2005

WEDNESDAY, DECEMBER 21, 2005

Night Vision Sight, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, DECEMBER 8, 2005 AT 11:00 A.M., CLEVELAND POLICE DEPARTMENT/BUDGET UNIT, 8TH FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.

November 30, 2005 and December 7, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2079-05.

By Council Member Jackson (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.

Whereas, this Council, in accordance with the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2006; and

Whereas, the Budget Commission of Cuyahoga County, Ohio has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is without the 10-Mil Limitation; and

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

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

Section 1. That the amounts and rates as determined by the Budget Commission in its certification are accepted.

Section 2. That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-Mil Limitation as follows:

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY
TAX APPROVED BY BUDGET COMMISSION AND COUNTY
AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount to be Derived From Levie Outside 10-Mil Limitation	Amount Approved By Budget Commission Inside 10-Mil Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
	Column II	Column IV	Inside 10-Mil Limit Column V	Outside 10-Mil Limit Column VI
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			<u>0.05</u>	<u>0.25</u>
TOTAL			4.40	8.30

Section 3. That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

Adopted November 21, 2005.
Effective November 22, 2005.

Res. No. 2166-05.

By Council Member Cimperman.

An emergency resolution objecting to a New C1 Liquor Permit at 6217 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 3N Martial Arts Mini Mall, DBA 3N Martial Arts Mini Mall, 6217 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8917025; 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 3N Martial Arts Mini Mall, DBA 3N Martial Arts Mini Mall, 6217 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8917025; 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 November 21, 2005.
Effective November 22, 2005.

Res. No. 2167-05.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 1303 West 6th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from LDJ Foods, Inc., 1st and 2nd floors, basement and patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 4949425 to Rutulian, LLC, 1303 West 6th Street, Cleveland, Ohio 44113, Permanent Number 7634550; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 and D6 Liquor Permit from LDJ Foods, Inc.,

1st and 2nd floors, basement and patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 4949425 to Rutulian, LLC, 1303 West 6th Street, Cleveland, Ohio 44113, Permanent Number 7634550, 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 November 21, 2005.
Effective November 22, 2005.

Res. No. 2168-05.

By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 3800 Whitman Avenue, and repealing Resolution No. 1906-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Big House, LLC, DBA Whitman's, 3800 Whitman Avenue, Cleveland, Ohio 44113, Permanent No. 0698935, by Resolution No. 1906-05 adopted by the Council on October 3, 2005; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Big House, LLC, DBA Whitman's, 3800 Whitman Avenue, Cleveland, Ohio 44113, Permanent Number 0698935 be and the same is hereby withdrawn and Resolution No. 1906-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 21, 2005.
Effective November 22, 2005.

Res. No. 2169-05.

By Council Member Polensek.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 870 East 185th Street, and repealing Resolution No. 1909-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Riffat Qadeer, Inc., DBA 7 Eleven, 870 East 185th Street, Cleveland, Ohio 44119, Permanent No. 7129045, by Resolution No. 1909-05 adopted by the Council on October 10, 2005; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Riffat Qadeer, Inc., DBA 7 Eleven, 870 East 185th Street, Cleveland, Ohio 44119, Permanent Number 7129045, be and the same is hereby withdrawn and Resolution No. 1909-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 21, 2005.
Effective November 22, 2005.

Ord. No. 1288-04.

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 Street to Elsie B. Sanders.

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 Ord-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 135-04-011, as more fully described below, Elsie B. Sanders.

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

P. P. No. 135-04-011

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. 449, bounded and described as follows:

Beginning on the Easterly line of East 93rd Street (formerly Woodland Hills Avenue), at the Southwesterly corner of the parcel conveyed by Matilda Morgan to Samuel and Mary J. Batt, May 10, 1893 and by deed recorded in Volume 549, Page 119 of Cuyahoga County Records; thence Easterly along the Southerly line of said parcel conveyed to Batt, 114.85 feet; thence Southerly parallel with the Easterly line of said East 93rd Street, 70 feet to the Northerly line of Dunlap Avenue, S.E.; thence Westerly parallel with the Southerly line of said Batt's land and along the Northerly line of said Dunlap Avenue, S.E., 114.85 feet to the Easterly line of East 93rd Street; thence Northerly along the Easterly line of East 93rd Street, 70 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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 November 21, 2005.

Effective November 22, 2005.

Ord. No. 1255-05.

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

An emergency ordinance determining the method of making the public improvement of widening the East 116th Street bridge and making associated intersection improvements; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director of Public Service to employ one or more professional consultants to design the improvement.

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

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

Section 1. That the Director of Public Service is authorized to 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 widening the East 116th Street bridge and making associated intersection improvements.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Service from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Service, 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 widening the East 116th Street bridge and making associated intersection improvements, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination,

of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the cost of the professional services and the improvement authorized by this ordinance shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 158430.

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 November 21, 2005.

Effective November 22, 2005.

Ord. No. 1643-05.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 83rd Street to Fairfax Renaissance Development Corporation.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 119-14-071 and 119-14-073, as more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 119-14-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 22 and 23 and a part of Kirtland Avenue, now vacated, and a part of a 1.50 foot reserve strip in E.N. Keyes Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 83rd Street (formerly Lincoln Avenue) 60 feet wide, at its inter-

section with the Southerly line of said Sublot No. 22; thence Northerly along the Westerly line of East 83rd Street, 53 feet to a point; thence Westerly in a direct line to a point on the Easterly line of Van Tine and Chadwick's Subdivision as recorded in Volume 20 of Maps, Page 7 of Cuyahoga County Records, said point being 53 feet Northerly, measured along the Easterly line of said Van Tine and Chadwick's Subdivision from its intersection with the Westerly prolongation of the Southerly line of said Sublot No. 22; thence Southerly along the Easterly line of said Van Tine and Chadwick's Subdivision 53 feet to its intersection with the Westerly prolongation of said Southerly line of Sublot No. 22; thence Easterly along said Westerly prolongation and along the Southerly line of said Sublot No. 22, 195.51 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. 119-14-073

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. 399 and bounded and described as follows:

Beginning on the Westerly line of East 83rd Street (formerly Lincoln Avenue), at a point one hundred three (103) feet Northerly (measured along said Westerly line) from the Southerly line of Sublot No. 22 in E.N. Keyes; Subdivision of part of Original One Hundred Acre Lot Nos. 399 and 407, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records, said point of beginning being also four hundred twenty-one and sixty three hundredths (421.63) feet Southerly (measured along said Westerly line), from its point of intersection with the Southerly line of Euclid Avenue (80 feet wide); thence Northerly, along said Westerly line of East 83rd Street, fifty-two (52) feet; thence North 86 degrees 52' 30" West, 197.87 feet to the Easterly line of land conveyed to Elihu Chadwick by deed dated October 6, 1863, and recorded in Volume 135, Page 262 of Cuyahoga County Records; thence Southerly along said Easterly line of land so conveyed to Elihu Chadwick, fifty-two (52) feet; thence Easterly, in a straight line, about one hundred ninety-seven and eleven hundredths (197.11) feet to the place of beginning, according to a survey made by F.B. Krause, Civil Engineer, December 1, 1914.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed November 21, 2005.

Effective November 22, 2005.

Ord. No. 1836-05.

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

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

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

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

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

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

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

P. P. No. 120-01-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

179 in the Phillips Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387 as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Churchill Avenue, N.E., and extending back 120 feet deep of equal width, the Easterly line being on the Westerly line of East 107th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-01-053 as more fully described below to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 178 in Sarah Phillip's Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Churchill Avenue, N.E., and extending back of equal width 120 feet deep, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-01-054 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-054

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

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-01-055 as more fully described, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-055

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

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

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

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

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 120-01-056 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-056

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

Beginning at a point in the Northerly line of Church Avenue, N.E., (formerly Churchill Street), 45 feet wide, as shown on said recorded plat, 50 feet Easterly from the Southwesterly corner of Sublot No. 176 of said Subdivision, said point being 13.26 feet Easterly from the Southwesterly corner of said Block

"A"; thence North 89° 44' East 50 feet in the Northerly line of Churchill Avenue, N.E.; thence North in a line parallel with the West line of said Block "A", 173.70 feet to the Southerly line of Hiawatha Court, N.E., (now known as Rockhurst Avenue, N.E.) 12 feet wide as shown on said recorded plat, which line of said Court is the Northerly line of said Block "A"; thence South 82° 8' West 29.89 feet in the Southerly line of said Court to an angle therein; thence South 89° 44' West in the Southerly line of said Court 20.39 feet to the point of intersection therewith of a line extended North from the place of beginning parallel with and 50 feet Easterly from the West line of said Sublot No. 176 and said West line produced North; thence South 170 feet to the place of beginning, according to survey made by F.B. Krause, C.E., be the same more or less, but subject to all legal highways and restriction recorded in Volume 498, Page 421 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

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

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 120-01-022 and 120-01-023 as more fully described below, to Christian Unity Missionary Baptist Church.

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

P. P. No. 120-01-022

Situated in the County of Cuyahoga and State of Ohio and in the City of Cleveland and bounded and described as follows: and known as being Sublot No. 181 in the Phillip's Subdivision of a part of Original One Hundred Acre Lot Nos. 386 and 387, as shown by the recorded plat of said Subdivision in Volume 19 of Maps, Page 23 of Cuyahoga County Records. Said Sublot No. 181 has a frontage of 35 and 68/100 feet on the westerly side of East 107th Street, and extends back 121 and 14/100 feet on the northerly line, 120 feet on the southerly line, and has a rear line of 19 and 66/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 120-01-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 180 in Sarah Phillips Subdivision of part of Original One Hundred Acre Lot Nos. 386 and 387 as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on

the westerly side of East 107th Street (formerly Adrian Street) and extending back between parallel lines, 120 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 1879-05.

By Council Member Lewis.

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

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 No(s). 119-05-089, as more fully described below, to Charles Scott.

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

P. P. No. 119-05-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the East part of the Northerly 21 feet of Sublot No. 14, and the East part of the Southerly 19 feet of Sublot No. 15 in Crumb, Baslington, Oviatt's Subdivision of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records. Said part of Sublot Nos. 14 and 15 together forming a parcel of land having a frontage of 40 feet on the Westerly side of East 87th Street (formerly Brookfield Avenue), extending back between parallel lines 147-8/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 1880-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 90th Street to Byron L. Perry, Sr.

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 No(s). 107-14-151, as more fully described below, to Byron L. Perry, Sr.

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

P. P. No. 107-14-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in the Wade Park and Superior Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 21 of Maps, Page 5 of Cuyahoga County Records, and being 35 feet front on the Westerly side of East 90th Street (formerly Lindus Street) and extending back of equal width 75 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary

to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 1881-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 91st Street to Jessie Thomas.

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 No(s). 107-15-006, as more fully described in Section 2 below, to Jessie Thomas.

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

P. P. No. 107-15-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 176 in W.J. Crawford and James Parmelee's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 16 of Maps, Page 5 of Cuyahoga County Records, and being 39 feet front on the Westerly side of East 91st Street (formerly Moris Place), and extending back between parallel lines 80 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall

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

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

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

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

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 1882-05.

By Council Member Lewis.

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

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 No(s). 104-21-002, as more fully described below, to Robert Petty.

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

P. P. No. 104-21-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 100 feet of Sublot No. 37 in the Luther Moses Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records and being 40 feet front on the Southerly side of Lexington Avenue, N.E. (formerly Moses Avenue) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 1884-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Utica Avenue to T.W. Allen.

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 No(s). 104-20-069, as more fully described below, to T.W. Allen.

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

P. P. No. 104-20-069

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. 340 and bounded and described as follows:

Beginning on the Southerly line of Utica Avenue, N.W., at a point distant Easterly 400 feet, measured along said Southerly line from the Easterly line of East 55th Street; thence Easterly along the Southerly line of Utica Avenue, N.E., 50 feet to a point; thence Southerly and parallel to the Easterly line of East 55th Street, 60 feet to a point; thence Westerly and parallel to the Southerly line of Utica Avenue, N.E. to a point distant 400 feet from the Easterly line of East 55th Street; thence North 60 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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 November 21, 2005.
Effective November 22, 2005.

Ord. No. 1958-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with One Source Technology, LLC, dba IQ Employment Application Screening Database, to provide development assistance to partially finance the build-out and to purchase equipment for the property located at 1255 Euclid Avenue, and certain other 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, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its August 25, 2005 meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by 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, provided One Source Technology, LLC, dba IQ Employment Application Screening Database submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with One Source Technology,

LLC, dba IQ Employment Application Screening Database to provide development assistance to partially finance the build-out and to purchase equipment for the property located at 1255 Euclid Avenue, and certain other 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. 1958-05-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 be ten percent (10%) of the private equity raised by the Company, but shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103676.

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

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 November 21, 2005.
Effective November 22, 2005.

Ord. No. 2068-05.

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

An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 910-98, passed February 14, 2000; and to repeal Section 4 and amend Section 6 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, relating to the Cleveland Public Power energy adjustment charge and collection of tax remittances under Section 5727.81 of the Revised Code.

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

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

Section 1. That the rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of Resolution No. _____, on _____, 200____, are approved.

Section 2. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 910-98, passed February 14, 2000, is amended to read as follows:

Section 523.21 Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (2) of this section, and shall not be less than the charge calculated under the divisions on October 1, 1997.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. For the period ending December 31, 2008, the incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers. Beginning on January 1, 2009, the incremental charge for all residential customers shall be adjusted by subtracting 15 mils per kilowatt hour.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential

ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. For the period ending December 31, 2008, the incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour. Beginning on January 1, 2009, such incremental charge shall be adjusted by subtracting 15 mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

Section 3. That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 910-98, passed February 14, 2000, is repealed.

Section 4. That Section 4 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, is repealed.

Section 5. That Section 6 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, is amended to read as follows:

Section 6. That Cleveland Public Power shall collect and pay over, at least annually, to the general fund all tax remittances due the City collected under Section 5727.81 of the Ohio Revised Code, and that by the end of each calendar year, Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of such tax remittances collected during that year to be applied exclusively to the repayment or defeasance of any bonded indebtedness of Cleveland Public Power.

Section 6. That existing Section 6 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, is repealed.

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 November 21, 2005.
Effective November 22, 2005.

Ord. No. 2160-05.

By Council Member Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch a banner at the intersection of Stokes Blvd. and Cedar Road, for the period from November 21, 2005 to December 5, 2005, inclusive, publicizing the Holiday Circle Fest.

Whereas, this ordinance constitutes an emergency measure providing for 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 Incorporated to install, maintain and remove a banner at the intersections of Stokes Blvd. and Cedar Road for the period from November 21, 2005 to December 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.

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 2161-05.

By Council Member Coats.

An emergency ordinance conditionally approving the request for an assignment of the cable television franchise from Adelphia Cleveland, LLC to Time Warner NY Cable LLC.

Whereas, Adelphia Cleveland, LLC, an indirect wholly-owned subsidiary of Adelphia Communications Corporation, (collectively, "Adelphia") has the right to own, operate and maintain a cable system in the City of Cleveland, Ohio pursuant to a Franchise Agreement effective on or about September 16, 1986 (the "Franchise Agreement"), as amended from time to time, and as amended by the Amendment to Franchise Agreement approved by this Council by Ordinance No. 305-94, effective March 9, 1994 (the "1994 Amendment") and as amended by Ordinance No. 1729-2000, granting a transfer of the Franchise from Cablevision of Cleveland, L.P. to Adelphia, approved by this Council on October 16, 2000, (the "2000 Transfer Ordinance"), (the Franchise Agreement, as amended, the 1994 Amendment, the 2000 Transfer Ordinance and this Ordinance, are collectively, to be referred to as the "Franchise"), which Franchise expires by its own terms on or about September 15, 2006; and

Whereas, Adelphia and Time Warner NY Cable LLC ("TWN") entered into an Asset Purchase Agreement dated as of April 20, 2005 for an assignment of the Cable Franchise (the "Transfer") from Adelphia to TWNY, an indirect subsidiary of Time Warner Cable Inc. (together with TWNY, "Time Warner"), which will hold the Franchise and operate the cable system in the City; and

Whereas, on June 15, 2005, Adelphia and Time Warner submitted to the City an FCC Form 394 dated June 10, 2005, describing the Asset Purchase Agreement and Transfer and requesting the City's consent to the proposed Transfer; and

Whereas, after reviewing the FCC Form 394 and other information submitted by Adelphia and Time Warner, the City determined that the FCC Form 394 was incomplete and requested additional information from Time Warner in order to perform its due diligence review of the legal, technical and financial ability of Time Warner to perform the obligations of the Cable Franchise and consider the effect of the proposed Transfer on the health, safety and welfare of the citizens of Cleveland, and additional information was supplied by Time Warner; and

Whereas, under federal law, the City has a period of one hundred twenty (120) days to act on the request for consent to the Transfer, which period of time would have elapsed on or about October 13, 2005 but which was extended by agreement with Time Warner and Adelphia until and including November 22, 2005; and

Whereas, the City has determined to approve the Transfer, provided that certain conditions as set forth in this Ordinance are met; and

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

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

Section 1. That notwithstanding any provisions of the Codified Ordinances of the City of Cleveland to the contrary, the City of Cleveland hereby consents to and approves the request to Transfer the Franchise from Adelphia to TWNY, an indirect subsidiary of Time Warner Cable Inc., provided the following conditions are met:

A. Franchise Fees. Within 30 days of the effective date of this Ordinance, Adelphia shall pay the City \$255,000.00 as payment in full of past Franchise Fees owed to the City by Adelphia which amount neither Adelphia nor TWNY shall pass through to Subscribers. Payment of this amount shall constitute complete fulfillment of all obligations for past due Franchise Fees through September 30, 2005 and any accrued interest on such fees and the City shall release and forever discharge Adelphia and Time Warner from such obligations.

B. Reimbursement of Costs. The City shall be reimbursed for its actual costs and expenses incurred in connection with the proposed Transfer and renewal of the Franchise to

the date of passage of this Ordinance, which reimbursement shall be made within thirty (30) days of receiving an invoice from the City for such reimbursement amounts which shall not exceed \$85,000.00 in total.

C. Cable Service to the City. In lieu of Adelphia reimbursing the City for any overcharges from December 1, 2000 through October 2005 for cable service to specified City of Cleveland government cable television service accounts at specific City of Cleveland government locations identified in the Franchise Agreement and in complete satisfaction of any such overcharges, beginning in December 2005 and for as long as a cable operator is operating under the current Franchise, the City shall receive free basic tier and cable programming service tier ("CPST") service at all existing City of Cleveland government cable service accounts and at future accounts to service City government locations not currently served where the request for service by the City is reasonable and made in good faith.

D. Correction of Identified Physical Plant Violations. Within thirty (30) days of the passage of this Ordinance or prior to the completion of the Transfer, whichever date is earlier, Adelphia shall submit a detailed report to the Public Utilities Committee of City Council specifically setting forth the timetable for the correction of all bona fide deficiencies set forth in the report entitled "Physical Inspection of the Adelphia Cable System for Cleveland, Ohio", dated September, 2005, and prepared by Columbia Telecommunications Corporation. Said schedule shall set forth a date for completion of the correction of all bona fide deficiencies which completion shall be no more than thirty (30) days from the date of submission of the report to the Public Utilities Committee, except where, despite reasonable efforts, Adelphia is unable to obtain entry to the private property at the cable drop location. Upon final completion of the correction of the violations, Adelphia shall, in writing, notify the Chairperson of the Public Utilities Committee of such completion.

E. Inspection and Correction of Cable Drop Facilities. Within one hundred and twenty (120) days of passage of this Ordinance or prior to the completion of the Transfer, whichever date is earlier, Adelphia shall complete the inspections for any potential noncompliance with the National Electric Code ("NEC") and the National Electric Safety Code ("NESC") at all cable drop locations where cable service was installed between December 1, 2000 and October 1, 2003, unless Adelphia's employees or contractors have provided in person service to the cable drop location after October 1, 2003. Adelphia shall provide monthly reports to the Public Utilities Committee of Council as to its specific progress in completing said inspections. Adelphia's obligation under this subsection E shall not apply where, despite reasonable efforts, Adelphia is unable to obtain entry to the private property at the cable drop location. Adelphia shall

provide monthly reports to the Public Utilities Committee of Council as to its specific progress in completing any corrections of any noncompliant drops.

F. Quality Assurance of Physical Cable Plant. Within sixty (60) days of the passage of this Ordinance or prior to the completion of the Transfer, whichever date is earlier, Adelphia shall submit a detailed report of its quality assurance and/or maintenance program and procedures related to the physical cable plant in the public rights-of-way and easements to the Public Utilities Committee of Council and to the Department of Public Utilities and, upon request, appear before the Public Utilities Committee of Council to discuss such matters. The Chairperson of the Public Utilities Committee of Council and the Department of Public Utilities shall, upon written request, receive copies of the franchisee's quality assurance audits and/or maintenance reports which identify specific noncompliance with the NEC or NESC related to said physical cable plant and any documents related to the correction of any noncompliant plant.

G. Local Emergency Override. Within one hundred twenty (120) days of the passage of this Ordinance or prior to completion of the Transfer, whichever date is earlier, the local emergency override capability required by the Franchise Agreement shall be capable of being provided over all of the cable system's channels, including but not limited to all digital channels.

H. Good Standing Certificate. Prior to completion of the Transfer, Time Warner shall provide the City with a Good Standing Certificate to do Business in the State of Ohio for TWNY.

I. Assumption of Obligations and Requirements. TWNY shall assume the obligations and requirements under the Franchise from and after the date of the Transfer.

J. Certification to the City. Within thirty (30) days of the Transfer, TWNY shall certify to the City in writing that the Transfer has been completed, and that there has been no material change in the information disclosed to the City pursuant to the request to approve the Transfer as described in the FCC Form 394 dated June 10, 2005 and submitted to the City on June 15, 2005 and additional information submitted by Time Warner subsequent to June 15, 2005.

K. Guaranty. Prior to completion of the Transfer, Time Warner Cable, Inc. shall execute and deliver to City Council the Guarantee attached to this Ordinance as File No. 2161-05-A requiring it as the parent company of TWNY, to perform all obligations under which TWNY may be in default in connection with its operation of the Franchise in the City of Cleveland.

L. Liability Insurance. Within ten (10) days of the effective date of this Ordinance, the limits of the cable operator's commercial general liability coverage shall be increased to at least \$5,000,000.00 for each occurrence, as required by City Council Ordinance No. 1729-2000, Section 1(M)(1). The requirements of

such ordinance to provide the aforesaid \$5,000,000.00 per occurrence coverage shall be deemed satisfied by the cable operator's timely procurement and proof to the City of the following: 1) primary commercial general liability coverage with a per-occurrence limit of at least \$1,750,000.00; and 2) follow-form excess liability insurance with a per-occurrence limit of at least \$20,000,000.00.

M. Proof of Insurance. Within thirty (30) days of the Transfer, TWNY shall provide the City with a certificate of insurance in compliance with Section 9.1 and 9.5 of the Franchise Agreement, as amended by Section 1.M. of the 2000 Transfer Ordinance and subsection L above.

N. Performance Bond. Within thirty (30) days of the Transfer, TWNY shall provide the City with a Performance Bond in compliance with Section 9.1(c) of the Franchise Agreement, as amended by Section 1.N. of the 2000 Transfer Ordinance and with a Letter of Credit as required by Section 9.1(d) of the Franchise Agreement, as amended by Section 1.N. of the 2000 Transfer Ordinance.

O. Transfer Completion Date. The Transfer shall be completed by October 1, 2006.

P. TWNY Transfer Acceptance. TWNY shall execute the Franchise Transfer Acceptance attached to this Ordinance as File No. 2161-05-B within ten (10) business days of the passage of this Ordinance, indicating that it assumes and is bound by the terms and conditions of this Ordinance and all obligations of the Franchise from and after the time of Transfer.

Q. Adelphia Transfer Ordinance Acceptance. Adelphia shall execute the Franchise Transfer Ordinance Acceptance attached to this Ordinance as File No. 2161-05-C within ten (10) business days of the passage of this Ordinance, indicating that it assumes and is bound by the terms and conditions of this Ordinance.

R. Reservation of Rights. Time Warner and Adelphia agree and acknowledge that the City reserves any and all rights it may have under the Adelphia bankruptcy proceedings in the United States Bankruptcy Court for the Southern District of New York, Case No. 02-41729 (REG), including but not limited to each and every default, liability, breach or obligation, whether presently known or unknown, that may be asserted pursuant to the court ordered procedures governing the determination of cure amounts and the assumption and assignment of the Franchise.

Section 2. That the failure of Adelphia and/or TWNY or Time Warner Cable Inc. to satisfy each of their respective conditions in Section 1 above within the time specified shall mean that the Transfer is disapproved, and the City's consent to the Transfer is denied, by operation of this Ordinance as of its effective date, unless such failure is cured within fifteen (15) days of notice of said failure to TWNY, Time Warner Cable, Inc. or Adelphia, as applicable.

Section 3. That unless otherwise defined in this Ordinance, all terms shall have the meanings given to them in the Franchise Agreement, the 1994 Amendment, and/or the 2000 Transfer Ordinance.

Section 4. That the Director of Finance shall establish within the General Fund of the City a fund into which shall be deposited those monies collected in accordance with Section 1, Paragraph A, to be used for public, educational and government access and other public telecommunications and cable services to be allocated by ordinance by this Council.

Section 5. That it is found and determined that all formal actions by the 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 of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section 6. That the Clerk of Council is hereby directed to serve a certified copy of this Ordinance by certified mail upon Adelphia and TWNY.

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.

File No. 2161-05-A
GUARANTEE

GUARANTEE, dated as of _____, 2005, made by TIME WARNER CABLE INC., a Delaware corporation ("Guarantor"), in favor of the City of Cleveland, Ohio ("Beneficiary").

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and to induce Beneficiary to timely consent to the transfer of _____ (the "Franchise") to Time Warner NY Cable LLC ("Transferee") in accordance with the Federal Communications Commission Form 394 filed by Transferee, Guarantor agrees as follows:

1. Interpretive Provisions.

(a) The words "hereof," "herein" and "hereunder" and words of similar import, when used in this Guarantee, shall refer to this Guarantee as a whole and not to any particular provision of this Guarantee, and section and paragraph references are to this Guarantee unless otherwise specified.

(b) The meanings given to terms defined herein shall be equally applicable to both the singular and plural forms of such terms.

2. Guarantee

(a) Guarantor unconditionally and irrevocably guarantees to Beneficiary the timely and complete performance of all Transferee obligations under the Franchise (the "Guaranteed Obligations"). The Guarantee is

an irrevocable, absolute, continuing guarantee of payment and performance, and not a guarantee of collection. If Transferee fails to pay any of its monetary Guaranteed Obligations in full when due in accordance with the terms of the Franchise, Guarantor will promptly pay the same to Beneficiary or procure payment of same to Beneficiary. Anything herein to the contrary notwithstanding, Guarantor shall be entitled to assert as a defense hereunder any defense that is or would be available to Transferee under the Franchise or otherwise.

(b) This Guarantee shall remain in full force and effect until the earliest to occur of: (i) performance in full of all Guaranteed Obligations at a time when no additional Guaranteed Obligations remain outstanding or will accrue to Transferee under the Franchise and (ii) any direct or indirect transfer of the Franchise from Transferee to (or direct or indirect acquisition of Transferee or any successor thereto by (whether pursuant to a sale of assets or stock or other equity interests, merger or otherwise)) any other person or entity a majority of whose equity and voting interests are not beneficially owned and controlled, directly or indirectly, by Guarantor. Upon termination of this Guarantee in accordance with this Section 2(b), all contingent liability of Guarantor in respect hereof shall cease and Guarantor shall remain liable solely for Guaranteed Obligations accrued prior to the date of such termination.

3. Waiver

Guarantor waives any and all notice of the creation, renewal, extension or accrual of any of the Guaranteed Obligations and notice of or proof of reliance by Beneficiary upon this Guarantee or acceptance of this Guarantee. Guarantor waives diligence, presentment, protest and demand for payment to Transferee or Guarantor with respect to the Guaranteed Obligations; provided, however, that Guarantor shall be furnished with a copy of any notice of or relating to default under the Franchise to which Transferee is entitled or which is served upon Transferee at the same time such notice is sent to or served upon Transferee.

File No. 2161-05-A
GUARANTEE

4. Representations and Warranties

Each of Guarantor and Beneficiary represents and warrants that: (i) the execution, delivery and performance by it of this Guarantee is within its corporate, limited liability company or other powers, have been duly authorized by all necessary corporate, limited liability company or other action, and do not contravene any law, order, decree or other governmental restriction binding on or affecting it and (ii) no authorization or approval or other action by, and no notice to or filing with, any governmental authority or regulatory body is required for the due execution, delivery and performance by it of this Guarantee, except as may have been obtained or made, other than, in the case of

clauses (i) and (ii), contraventions or lack of authorization, approval, notice, filing or other action that would not, individually or in the aggregate, impair or delay in any material respect its ability to perform its obligations hereunder.

5. Binding Effect

This Guarantee, when executed and delivered by Beneficiary, will constitute a valid and legally binding obligation of Guarantor, enforceable against it in accordance with its terms, except as such enforcement may be limited by applicable bankruptcy, insolvency or other similar laws applicable to creditors' rights generally and by equitable principles (whether enforcement is sought in equity or at law).

6. Notices

All notices, requests, demands, approvals, consents and other communications hereunder shall be in writing and shall be deemed to have been duly given and made if served by personal delivery upon the party for whom it is intended or delivered by registered or certified mail, return receipt requested, or if sent by telecopier, provided that the telecopy is promptly confirmed by telephone confirmation thereof, to the party at the address set forth below, or such other address as may be designated in writing hereafter, in the same manner, by such party:

To Guarantor and Transferee:

Time Warner Cable Inc.
290 Harbor Drive
Stamford, CT 06902-6732
Telephone: (203) 328-0631
Telecopy: (203) 328-4094
Attention: General Counsel

To Beneficiary:
City of Cleveland
601 Lakeside Avenue
Cleveland, Ohio 44114
Attn: Director of Law
Telephone: (216) 664-2800
Telecopy: (216) 664-2663

7. Integration

This Guarantee represents the agreement of Guarantor with respect to the subject matter hereof and there are no promises or representations by Guarantor or Beneficiary relative to the subject matter hereof other than expressly set forth herein.

8. Amendments in Writing

None of the terms or provisions of this Guarantee may be waived, amended, supplemented or otherwise modified except by a written instrument executed by Guarantor and Beneficiary, provided that any right, power or privilege of Beneficiary arising under this Guarantee may be waived by Beneficiary in a letter or agreement executed by Beneficiary.

9. Section Headings

The section headings used in this Guarantee are for convenience of reference only and are not to affect the construction hereof or be taken into consideration in the interpretation hereof.

10. No Assignment or Benefit to Third Parties

This Agreement shall be binding upon and inure to the benefit of the parties hereto. Nothing in this

Agreement, express or implied, is intended to confer upon anyone other than Guarantor and Beneficiary and their respective permitted assigns, any rights or remedies under or by reason of this Guarantee.

11. Expenses

All costs and expenses incurred in connection with this Guarantee and the transactions contemplated hereby shall be borne by the party incurring such costs and expenses.

12. Counterparts

This Guarantee may be executed by Guarantor and Beneficiary on separate counterparts (including by facsimile transmission), and all of said counterparts taken together shall be deemed to constitute one and the same instrument.

13. GOVERNING LAW

THIS GUARANTEE SHALL BE GOVERNED BY AND CONSTRUED AND INTERPRETED IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO WITHOUT REGARD TO PRINCIPLES OF CONFLICTS OF LAW.

IN WITNESS WHEREOF, each of the undersigned has caused this Guarantee to be duly executed and delivered by its duly authorized officer as of the day and year first above written.

TIME WARNER CABLE INC.

By: _____
Name: _____
Title: _____

File No. 2161-05-B
TIME WARNER NY CABLE LLC
FRANCHISE TRANSFER
ACCEPTANCE

Subject to the closing of that transaction more fully described in Ordinance No. _____, Time Warner NY Cable LLC hereby accepts and agrees to abide by the terms and conditions of the Franchise between the City of Cleveland, Ohio and Adelphia Cleveland, LLC, the City of Cleveland, Ohio's Ordinance No. _____ -05, adopted _____, 2005, conditionally approving and consenting to the transfer of the City of Cleveland, Ohio's Cable Television Franchise from Adelphia Cleveland, LLC to Time Warner NY Cable LLC.

Time Warner NY Cable LLC warrants and represents that this Franchise Transfer Acceptance is executed by a person lawfully authorized to act on its behalf and that this Franchise Transfer Acceptance is a legally binding obligation of Time Warner NY Cable LLC.

TIME WARNER NY CABLE LLC

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

The undersigned, a Notary Public in and for said County and State,

hereby certifies that _____, the _____ of Time Warner NY Cable LLC personally appeared before me and acknowledged that, having full authority so to do, he/she signed the foregoing Franchise Transfer Acceptance on behalf of Time Warner NY Cable LLC, in his/her capacity as _____, and that the same was his/her free and voluntary act and deed, and the free and voluntary act and deed of Time Warner NY Cable LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, on _____, 2005.

File No. 2161-05-C
ADELPHIA FRANCHISE
TRANSFER ORDINANCE
ACCEPTANCE

Adelphia hereby accepts and agrees to abide by the terms and conditions of the City of Cleveland, Ohio's Ordinance No. _____ -05, adopted _____, 2005, conditionally approving and consenting to the transfer of the City of Cleveland, Ohio's Cable Television Franchise from Adelphia Cleveland, LLC to Time Warner NY Cable LLC.

Adelphia warrants and represents that this Franchise Transfer Ordinance Acceptance is executed by a person lawfully authorized to act on its behalf and that this Franchise Transfer Ordinance Acceptance is a legally binding obligation of Adelphia.

ADELPHIA CLEVELAND, LLC

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

The undersigned, a Notary Public in and for said County and State, hereby certifies that _____, the _____ of Adelphia Cleveland, LLC personally appeared before me and acknowledged that, having full authority so to do, he/she signed the foregoing Franchise Transfer Ordinance Acceptance on behalf of Adelphia Cleveland, LLC, in his/her capacity as _____, and that the same was his/her free and voluntary act and deed, and the free and voluntary act and deed of Adelphia Cleveland, LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, on _____, 2005.

_____ Notary Public

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 2162-05.
By Council Member Coats.
An emergency ordinance authorizing a Network Upgrade Surcharge substantiated by Adelphia Cleveland, LLC.

Whereas, Adelphia Cleveland LLC, a wholly-owned subsidiary of Adelphia Communications Corporation (collectively, "Adelphia"), has the right to own, operate and maintain a cable system in the City of Cleveland, Ohio (the "City") pursuant to a franchise agreement granted on or about September 16, 1986, as further amended; and

Whereas, in accordance with applicable provisions of the Cable Consumer Protection and Competition Act of 1992, as amended (hereinafter the "Cable Act") and regulations adopted by the Federal Communications Commission (the "FCC"), the City is certified to regulate the basic cable service tier rate and related equipment rental, service and installation rates; and

Whereas, on or about November 26, 2003, pursuant to FCC regulations, the City received from Adelphia an Abbreviated Cost of Service Filing for Cable Network Upgrades on FCC Form 1235 (the "FCC Form 1235") proposing a Maximum Permitted Network Upgrade Surcharge of \$0.47 per month, per subscriber, to be assessed against basic service tier subscribers (in addition to the Basic Service Tier Rate) over the next 12 years in order to recover the cost, plus a rate of return, related to the upgrade of the cable system completed in the City in 2003; and

Whereas, in response to correspondence and discussions with the City's representatives, Adelphia filed an amended FCC Form 1235 (the "Amended FCC Form 1235") on July 17, 2004; and

Whereas, on November 22, 2004, City Council enacted Ordinance No. 2209-04 disapproving Adelphia's proposed monthly Network Upgrade Surcharge based upon a lack of information to substantiate the requested Surcharge, but reserving the right to reconsider the Ordinance for the purpose of further reducing rates should Adelphia submit additional information; and

Whereas, Adelphia has filed an appeal with the FCC of the City's decision in Ordinance No. 2209-04; and

Whereas, Adelphia has now submitted sufficient information from which the City can determine that a Network Upgrade Surcharge of \$0.39 per subscriber, per month is in accordance with FCC Regulations; and

Whereas, this Council has determined that it is in the best interest of the City's subscribers to resolve the disputed issues related to Adelphia's Amended FCC Form 1235 and the Network Upgrade Surcharge; and

Whereas, Adelphia has agreed to resolve the current disagreement related to the Network Upgrade Charge under the terms set forth in Section 1 of this Ordinance and will acknowledge its acceptance of the terms of Section 1 below by execution of the "Acceptance" attached to, and incorporated into, this Ordinance as File No. 2162-05-A

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

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

Section 1. That based on the additional information submitted by Adelphia, and the advice of the City's cable television legal consultants, regarding the Network Upgrade Surcharge, Council makes the below listed findings and orders:

A. A Maximum Permitted Network Upgrade Surcharge Rate of \$0.39 per subscriber, per month (which FCC regulations permit to be added to the maximum permitted basic service tier rate) is authorized under FCC Regulations.

B. Although the FCC Form 1235 permits Adelphia to recover its rebuild costs based on a twelve (12)-year useful life, Adelphia shall limit its recovery period to ten (10) years which ten (10)-year period shall start on July 17, 2004 (the date Adelphia filed its Amended FCC Form 1235) and shall end no later than July 16, 2014 (the "Recovery Period").

C. Notwithstanding the Recovery Period approved in subsection B of this section, Adelphia or its successors and assigns shall not implement the Network Upgrade Surcharge prior to March 1, 2006.

D. In the event the Network Upgrade Surcharge, or any portion thereof, is ever charged to subscribers in the City, it will be separately itemized on subscriber billings as a "Network Upgrade Surcharge".

E. Adelphia shall not amend or refile its FCC Form 1235 or Amended FCC Form 1235 that is the subject of Ordinance No. 2209-04.

F. Upon the effective date of this Ordinance, Adelphia shall immediately (but in no event later than December 21, 2005) withdraw its pending appeal to the FCC of the City's Rate Order, Ordinance No. 2209-04.

G. Within ten (10) days of the passage of this Ordinance, Adelphia shall properly execute and return to the Clerk of Council the "Acceptance" attached hereto as File No. 2162-05-A; otherwise, the authorization of the Network Upgrade Surcharge in subsection A above shall be null and void.

Section 2. That it is found and determined that all formal actions 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 of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That notice of the passage of this Ordinance shall be given by publishing the title and abstract of contents prepared by the Director of Law once in a newspaper of general circulation in the City of Cleveland and the Clerk is hereby directed to serve a certified copy of this Ordinance by certified mail on Adelphia immediately upon its passage.

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.

File No. 2162-05-A
ACCEPTANCE OF
TERMS OF
CITY OF CLEVELAND, OHIO
ORDINANCE NO. 2162-05

Adelphia Cleveland LLC hereby accepts and agrees to the terms of Section 1 of City of Cleveland Ordinance No. _____-2005, adopted on November _____, 2005, related to the Network Upgrade Surcharge, and the FCC Form 1235 related thereto.

Adelphia Cleveland, LLC warrants and represents that this Acceptance is executed by a person lawfully authorized to act on its behalf and that this Acceptance is a legally binding obligation of Adelphia.

By: _____
(Signature)

Name: _____
(Please type or print)

Title: _____
(Please type or print)

Date: _____

Passed November 21, 2005.
Effective November 22, 2005.

Ord. No. 2164-05.
By Council Member Lewis.
An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with The Lion of Judah for the Lion of Judah Youth Reformation Center Project through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with The Lion of Judah for the Lion of Judah Youth Reformation Center Project for the public purpose of creating new jobs for Cleveland residents through the use of Ward 7 Neighborhood Equity Fund.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 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 November 21, 2005.
Effective November 22, 2005.

Ord. No. 2165-05.

By Council Member Pierce Scott.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Sankofa Fine Art Plus for the Community Art Training Program through the use of Ward 8 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 Sankofa Fine Art Plus for the Community Art Training Program for the public purpose of providing employment training in the arts to City of Cleveland youth through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 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 November 21, 2005.
Effective November 22, 2005.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, November 28, 2005
2:00 p.m.**

Community and Economic Development Committee and Finance Committee: Present in CDED: Pierce Scott, Chair; Cimperman, Vice Chair; Coats, Brady, Lewis, Reed, Westbrook, Zone. *Authorized Absence:* Cintron.

Present in Finance: Sweeney, Vice Chair; Reed, Brady, Cimperman, Westbrook, Coats, Conwell, White, Pierce Scott. *Authorized Absence:* Jackson, Chair; Britt. *Pro-tem:* Lewis, Zone.

**Wednesday, November 30, 2005
10:00 a.m.**

Aviation and Transportation Committee: Present: Westbrook, Chair; Sweeney, Vice Chair; Brancatelli, Dolan, Lipovan Holan, Reed. *Authorized Absence:* Britt.

1:30 p.m.

Public Utilities Committee: Present: Coats, Chair; Brady, Vice Chair; Knight, Kelley, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Cintron.

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

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 (O 1897-05)..... 2533

St. Clair between Ruple Rd. & Rondel Rd. — change the zoning — One Family Residential
 District — establish a Planned Unit Development Overlay District PUD
 (O 1786-05)..... 2533

W. 117th St. between Western Ave. & I-90 — change zoning — amend Ord. No. 592-05
 (O 2200-05)..... 2524