

# The City Record

Official Publication of the Council of the City of Cleveland



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February the Sixteenth, Two Thousand and Five

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**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

### MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities Director Julius Ciaccia; Council President Frank G. Jackson.

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, FEBRUARY 16, 2005

No. 4758

## CITY COUNCIL

MONDAY, FEBRUARY 14, 2005

### The City Record

Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland

The City Record is available  
online at

[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Address all communications to

**VALARIE J. McCALL**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 14, 2005

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Edward Muhammad of Muhammad Mosque #18, located at 14402 Kinsman Road in Ward 3. Pledge of Allegiance.

#### MOTION

On the motion of Council Member O'Malley, the reading of the minutes of the last meeting was dispensed

with and the journal approved. Seconded by Council Member Gordon.

#### COMMUNICATIONS

##### File No. 248-05.

From the Division of Assessments & Licenses — application for Operator's License of Private Property Outdoor Pay Telephone. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 249-05.

Re: New Application — 4189222 — Shadia Jaber, d.b.a. Hannini Express, 2249 West 117th Street. (Ward 19). Received.

##### File No. 250-05.

Re: Transfer of Ownership Application — 2503720 — EMC Properties, Inc., 13999 Lorain Avenue, first floor. (Ward 20). Received.

##### File No. 251-05.

Re: Transfer of Ownership Application — 4895628 — Krupa Two, Inc., d.b.a. I 90 Citgo Road Mart, 2850 West 25th Street. (Ward 14). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 252-05** — The Honorable Dr. Mae Jackson.

**Res. No. 253-05** — Paul Smith.

**Res. No. 254-05** — Wayne W. Whitmore, Sr.

**Res. No. 255-05** — Frank John Faron.

**Res. No. 256-05** — Mary Angeline McLeod.

**Res. No. 257-05** — Dolly L. Hodge.

**Res. No. 258-05** — Barbara A. Rose.

**Res. No. 259-05** — Gregory Ellis.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 260-05** — Michael M. Sweeney.

**Res. No. 261-05** — Eugene Pearson.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 262-05** — Reverend Joseph D. McNulty.

**Res. No. 263-05** — Joseph M. Erdelac.

**Res. No. 264-05** — Consortium of African American Organizations (CAAO).

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 221-05.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of commercial gases, for the various divisions of City government.**

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

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

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

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118714)

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

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

**Ord. No. 222-05.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies, for the various divisions of City government.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

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

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118713)

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

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

**Ord. No. 223-05.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of window washing services, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of window washing

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

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118712)

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

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

**Ord. No. 224-05.**

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

**An emergency ordinance authorizing the Director of Public Utilities and the Commissioner of Purchases and Supplies to enter into an agreement with 12620 Kirby Avenue LLC providing for the exchange of certain real property.**

Whereas, 12620 Kirby Avenue LLC currently owns real property known as Lot Split Parcel C; and

Whereas, 12620 Kirby Avenue LLC wishes to transfer Lot Split Parcel C to the City of Cleveland in exchange for Lot Split Parcel E, which is more desirable to the City of Cleveland for municipal purposes; 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 Chapter 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities and the Commissioner of Purchases and Supplies are authorized to enter into an agreement for and on behalf of the City of Cleve-

land with 12620 Kirby Avenue LLC for an exchange of lands, including transfer of fee title to the City of Cleveland the following described property presently owned by 12620 Kirby Avenue LLC:

LOT SPLIT PARCEL "C"  
TO THE CITY OF CLEVELAND  
rev. 1/19/05  
FROM 12610 KIRBY AVE. LLC

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of the Original 100 acre Lot No. 357 and 358 and is further bounded and described as follows:

Beginning at an iron pin monument at the intersection of the centerlines of Coit Road, 60 feet in width, and the centerline of Kirby Avenue, 60 feet in width;

Thence South 59° 09' 10" West, along said centerline of Kirby Avenue, 1165.17 feet to the most westerly corner of parcel no. 3 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditors file number 200301031596 of the Cuyahoga County records;

Thence South 18° 37' 22" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 3, 30.70 feet to the southerly line of said Kirby Avenue, said point being the northeast corner of parcel no. 5 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditors file no. 200301031596 of the Cuyahoga County Records;

Thence South 59° 09' 10" West, along said southerly line of Kirby Avenue, 622.07 feet to the northwest corner of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5;

Thence South 30° 50' 50" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no.5, 312.88 feet to an iron pin set, and the principal point of beginning;

COURSE I — Thence North 59° 09' 10" East, parallel with said centerline of Kirby Avenue, 93.59 feet to a iron pin set;

COURSE II — Thence South 30° 50' 50" East, parallel with said westerly line of land conveyed to 12610 Kirby Ave. LLC as parcel no. 5 and distant 93.59 feet by normal measure there from, 93.59 feet to a point;

COURSE III — Thence South 59° 09' 10" West, parallel with said centerline of Kirby Avenue, 93.59 feet to an iron pin set in said westerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 5;

COURSE IV — Thence North 30° 50' 50" West, along said westerly line of Kirby Avenue LLC parcel no. 5, 93.59 feet to the principal point of beginning and containing, about 0.201 of an acre of land (8,759 sq. ft.) as surveyed and described in April 2004 by James S. Davenport, Ohio Professional Surveyor #7749 of Richard L. Bowen Associates.

**Section 2.** That the agreement shall also provide for the conveyance by the City to 12620 Kirby Avenue LLC of the following described property presently owned by the City:

LOT SPLIT PARCEL "E"  
FROM THE CITY OF CLEVELAND  
rev. 1/19/05  
TO 12610 KIRBY AVE. LLC

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of the Original 100 acre Lot No. 358 and is further bounded and described as follows:

Beginning at an iron pin monument at the intersection of the centerlines of Coit Road, 60 feet in width, and the centerline of Kirby Avenue, 60 feet in width;

Thence South 59° 09' 10" West, along said centerline of Kirby Avenue, 1165.17 feet to the most westerly corner of parcel no. 3 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditor's file number 200301031596 of the Cuyahoga County Records;

Thence South 18° 37' 22" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 3, 30.70 feet to the southerly line of said Kirby Avenue, said point being the northeast corner of parcel no. 5 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditors file no. 200301031596 of the Cuyahoga County Records;

Thence South 59° 09' 10" West, along said southerly line of Kirby Avenue, 622.07 feet to the northwest corner of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5;

Thence South 30° 50' 50" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5, 312.88 feet to a point;

Thence North 59° 09' 10" East, parallel with said centerline of Kirby Avenue, 93.59 feet to a point;

Thence South 30° 50' 50" East, parallel with said westerly line of land conveyed to 12610 Kirby Ave. LLC as parcel no. 5 and distant 93.59 feet by normal measure therefrom, 93.59 feet to the southerly line of said land conveyed to 12610 Kirby Avenue LLC as parcel no.5 and the principal point of beginning;

COURSE I — Thence North 59° 09' 10" East, parallel with said centerline of Kirby Avenue and along the southerly line of said land conveyed to 12610 Kirby Avenue LLC as parcel no. 5, 273.42 feet to a point of curvature;

COURSE II — Thence northeasterly, along the arc of a curve on said southerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 5, deflecting to the right, the radius of which is 312.94 feet, and the chord of which bears North 74° 17' 19" East and is 163.42 feet in length, 165.34 feet to the northwest corner of land conveyed to 12610 Kirby Avenue LLC as parcel no. 7, who claims title by instrument recorded in auditor's file number 200301031596;

COURSE III — Thence South 18° 37' 22" East, along the westerly line of said land conveyed to 12610 Kirby Avenue LLC as parcel no. 7, 21.03 feet to the northerly line of parcel no. 6 conveyed to 12610 Kirby Avenue LLC, who claims title by instrument recorded in auditors file no. 200301031596;

COURSE IV — Thence South 89° 24' 56" West, along said northerly line of land conveyed to 12610 Kirby

Avenue LLC as parcel no. 6, 6.52 feet to a non-tangent curve;

COURSE V — Thence southwesterly, along the arc of a curve deflecting to the left continuing along said northerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no.6, the radius of which is 292.94 feet and the chord of which bears South 74° 17' 19" West, and is 152.98 feet in length, 154.77 feet to a point of tangency;

COURSE VI — Thence South 59° 09' 10" West, parallel with said centerline of Kirby Avenue, continuing along said northerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 6, 253.01 feet to a point;

COURSE VII — Thence South 52° 33' 22" West, continuing along said northerly line of land conveyed to 12610 Kirby Avenue LLC, 20.55 feet to an iron pin set;

COURSE VIII — Thence North 30° 50' 50" West, 22.36 feet to the principal point of beginning and containing about 0.201 of an acre of land (8,759 sq. ft.) as surveyed and described in April 2004 by James S. Davenport Ohio Professional Surveyor #7749 of Richard L. Bowen Associates.

**Section 3.** That the agreement authorized in this ordinance shall be prepared by the Director of Law.

**Section 4.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchase and Supplies is authorized to acquire the property described in Section 1 of this ordinance for municipal purposes.

**Section 5.** That the Director of Public Utilities is authorized to execute on behalf of the City all necessary documents to acquire and convey the property described in Section 1 and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 6.** That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 2 to 12620 Kirby Avenue LLC, in exchange for the 12620 Kirby Avenue LLC property described in Section 1, 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 an advertising signs or billboards, excepting permitted identification signs.

**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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

**Ord. No. 225-05.**

**By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties 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 Parks, Recreation and Properties is authorized to employ by contract or contracts one or more temporary employment agency or agencies 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 supply temporary and seasonal personnel for a period of one year, and cancelable on thirty days written notice by the Director, for the Department of Parks, Recreation and Properties from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties 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 Parks, Recreation and Properties, and certified by the Director of Finance.

**Section 2.** That the costs for the services contemplated shall be paid from Fund Nos. 10 SF 054, 13 SF 729, 62 SF 001, 63 SF 001, 01-701207-638000, 01-701217-638000, and from the fund or funds appropriated for this purpose in budget year 2005, Request No. 135781.

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

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

**Ord. No. 226-05.**

**By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more contracts of labor and materials to install a trash compactor for the West Side Market, including a pad, privacy wall, and landscaping, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials to install a trash compactor for the West Side Market, including a pad, privacy wall, and landscaping, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

**Section 3.** That the cost of the contract or contracts authorized shall be paid from Fund No. 67 SF 500, Request No. 151013.

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

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

**Ord. No. 227-05.**

**By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more contracts of property insurance for the Cleveland Brown's Stadium, for a period of one year with a one-year option to renew.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: property insurance for the Cleveland Brown's Stadium, for a gross price, for the Department of Parks, Recreation and Properties for a period of one year, with one (1) option exercisable by the Director of Parks, Recreation and Properties, to renew for an additional one-year term, and cancelable upon thirty days written notice by the director.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 67 SF 001, Request No. 120360.

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

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

**Ord. No. 229-05.**

**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 Office of Procurement and Diversity for the Getting the Lead Out Program; authorizing the director to enter into one or more contracts with various entities to assess and renovate potential lead hazards; and authorizing the purchase by one or more requirement contracts of equipment and supplies to implement the grant.**

Whereas, Cuyahoga County has received Temporary Assistance to Needy Families ("TANF") funding from the Federal government to be awarded to various entities to provide relevant services to the community; and

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant of TANF funds in the approximate amount of \$466,250, and any other funds that may become available during the grant term from Cuyahoga County Office of Procurement and Diversity to conduct the Getting the Lead Out 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. 229-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

**Section 5.** That the Director of Public Health is authorized to authorized to enter into one or more contracts with various agencies to

assess and renovate potential lead hazards in privately-owned residential property housing of low to very low income TANF-eligible families with children.

**Section 6.** That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period during the grant term of the necessary items of equipment and supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the 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 7.** That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**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. 230-05.**  
**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 Kaiser Permanente of Ohio for the Worksite Wellness Expansion Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$15,000 and any other funds that may become available during the grant term, from Kaiser Permanente of Ohio to conduct the Worksite Wellness Expansion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant;

and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 230-05-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 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 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. 231-05.**  
**By Council Members Britt and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to lease property known as 23600 Mercantile Road, Unit J, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.**

Whereas, the City of Cleveland requires certain space located at 23600 Mercantile Road, Unit J, in Beachwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections; and

Whereas, Mercantile Associates 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 Mercantile Associates certain space more fully described as follows: approximately 5,400 square feet of space located at 23600 Mercantile Road, Unit J, Beachwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas ("Premises").

**Section 2.** That the term of the lease shall not exceed one year, beginning April 1, 2005.

**Section 3.** That the rent for the lease shall be a base rate of \$3,200 per month, including utilities and

the Common Area Maintenance for 23600 Mercantile Road.

**Section 4.** That the lease may authorize the City to make improvements to the lease premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods 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. 149725.

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

**Section 8.** That the Directors of Public Health and Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**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. 232-05.**  
**By Council Members Gordon and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Community Development to amend Contract No. 53646 with Otis Associates Limited Partnership to make modifications to the contract.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an amendment to Contract No. 53646 and any security documents with Otis Associates Limited Partnership, to eliminate the low-income rent reimbursement program as described in Section 5.15 of the agreement. All other loan terms contained in the original loan agreement shall remain the same.

**Section 2.** That the amendment to the loan agreement authorized shall be prepared by the Director of Law.

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

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



**Ord. No. 234-05.**

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from Cuyahoga County Employment and Family Services for the Healthcare Career Pathways Program; to authorize one or more contracts with The Cleveland Clinic Foundation; and authorizing the purchase by one or more requirement contracts of materials, equipment, and services to implement the grant.**

Whereas, Cuyahoga County has received Temporary Assistance to Needy Families ("TANF") funding from the Federal government to be awarded to various entities to provide employment and training services to TANF-eligible recipients; and

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

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

**Section 1.** That the Director of Economic Development is authorized to apply for and accept a grant of TANF funds in the amount of \$276,112, from Cuyahoga County Employment and Family Services to conduct the Healthcare Career Pathways 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 executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, File No. 234-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with The Cleveland Clinic Foundation to implement the grant as described in the file.

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

**Section 5.** 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 6.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 235-05.**

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

**An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the Family Caregiver Support Program; and authorizing the Director of Community Development to enter into contracts necessary to implement the program.**

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

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

**Section 1.** That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$25,000, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging to conduct the Family Caregiver Support Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 235-05-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

**Section 3.** That the Director of Community Development is authorized to enter into one or more contracts necessary to implement the program as described in the file, payable from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

**Ord. No. 238-05.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 39th Street to Burten, Bell, Carr Development, Inc.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 103-23-045, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 76 in William Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 39th Street (formerly Grant Street) and extending back of equal width 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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



Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 239-05.**

**By Council Members Lewis and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts for medical and group dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits for City of Cleveland employees.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Personnel and Human Resources is authorized to enter into one or more contracts with Medical Mutual of Ohio, Medical Health Insuring Corporation of Ohio, Kaiser Permanente, and QualChoice, Inc. for group medical insurance; Medical Mutual of Ohio for the provision of group dental insurance; Union Eye Care for group vision insurance; Metropolitan Life Insurance Company for term life insurance coverage; and AFSCME for group vision insurance for the term of April 1, 2005 to March 31, 2006 on the basis of their proposals, all dated February 7, 2005.

**Section 2.** That the Director of Personnel and Human Resources is authorized to enter into one or more contracts with Medical Mutual Services, LLC to provide administrative services for flexible spending accounts for medical reimbursement, dependent care, and premium pass through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for the term of January 1, 2006 to December 31, 2006 on the basis of their proposal, dated February 7, 2005.

**Section 3.** That the contracts shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest including terms related to which insurance coverage will cover employees consistent with the terms of the collective bargaining agreements ratified by the City, and the terms and conditions for transferring employees from one plan to another as collective bargaining agreements are ratified by the City.

**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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 240-05.**

**By Council Member O'Malley.**  
**An emergency ordinance designating William Cullen Bryant Elementary School as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate William Cullen Bryant Elementary School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 13, 2005 to discuss the proposed designation of William Cullen Bryant Elementary School as a landmark; and

Whereas, the Commission has recommended designation of William Cullen Bryant Elementary School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That William Cullen Bryant Elementary School, whose street address in the City of Cleveland is 3121 Oak Park Avenue, also known as Cuyahoga County Auditor's Permanent Parcel Numbers 011-17-053 and 011-17-054, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

**Ord. No. 241-05.**

**By Council Member Brady.**  
**An emergency ordinance designating The Lorain Medical Building as a Cleveland landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate The Lorain Medical Building as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was

held on June 24, 2004 to discuss the proposed designation of The Lorain Medical Building as a landmark; and

Whereas, the Commission has recommended designation of The Lorain Medical Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That The Lorain Medical Building whose street address in the City of Cleveland is 11420 Lorain Avenue, N.W., also known as Cuyahoga County Auditor's Permanent Parcel Number 005-09-031, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

**Ord. No. 242-05.**

**By Council Member Coats.**  
**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 501.031, relating to construction of private roads; and amending Section 501.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924, relating to penalties.**

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 501.031 to read as follows:

**Section 501.031 Construction of Private Roads**

(a) *Definitions.* "Private Road" means a privately owned or controlled and maintained drive, street, road or lane, that provides the primary means of vehicular ingress and egress to two or more parking lots, unimproved parcels, or principal buildings, or three or more dwelling houses, whether that drive, street, road or lane is created by a private right-of-way, easement, or other device. A private road shall also include the following:

(1) an access road where two or more lots, or dwelling houses share a common access drive or device

even if each lot has the required frontage on a public road.

(2) any and all extensions, additions, or branches of, or to a private road shall be considered part of the private road that abuts the public road, except those extensions, additions, or branches that access less than three dwelling houses, or less than two lots, parcels, or principal buildings.

(b) *Permit Required.* No person shall construct a private road or alter an existing private road without first obtaining a permit for the construction or alteration from the Department of Public Service. The periodic cleaning and re-surfacing of the road shall not be considered an alteration and shall not require a permit as long as the specifications under which the road was approved are not compromised.

(c) *Form of Permit.* Before a person may receive a permit the person shall file with the Director of Public Service an application on the form provided by the Director. This application shall include any information the Director deems necessary and shall be accompanied by road plans showing the proposed construction or alteration. The proposed construction shall comply, at a minimum, with all Rules and Regulations enacted by the Director. At the time of the application, applicant shall pay a non-refundable fee in accordance with a fee schedule fixed from time to time by the Board of Control.

(d) *Decision on Application.* The Director shall approve or deny the permit within thirty days of receiving a completed application. The Director may inform permittee that the construction plans do not conform to the City's Rules and Regulations. The permittee may change the construction plans and resubmit them.

If a permit is denied, permittee may appeal to the Board of Zoning Appeals within thirty days of the denial.

(e) *Other Regulations.* Any private road shall comply with all other applicable regulations, including the Zoning Code requirements for access and maintenance of off-street parking spaces.

(f) *Rules and Regulations.* The Director may enact Rules and Regulations concerning construction of private roads, including, but not limited to, standards and specifications for the private streets, and regulations for the construction process. The Rules and Regulations shall require that, at a minimum, the roads meet City specifications for similar roads. The Rules and Regulations shall take effect thirty days after their publication in the City Record.

(g) *Periodic Inspections; Fee.* The Director may make periodic inspections of the road construction to ensure compliance with the construction plans as approved, and the applicable Rules and Regulations. At the completion of the construction, the Director shall make a final inspection of the road and issue a certificate of completion.

(h) No person shall construct or alter a private road without first obtaining the permit required in this section.

(i) No person shall construct or alter a private road except in accordance with the permit and approved plans.

The Director is authorized to charge fees at the time of any

inspection according to an inspection fee schedule fixed from time to time by the Board of Control.

**Section 2.** That Section 501.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is amended to read as follows:

**Section 501.99 Penalty**

(a) Whoever violates Section 501.02 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

(b) **Whoever violates division (h) or (i) of Section 501.031 shall be guilty of a misdemeanor of the first degree.**

**Section 3.** That existing Section 501.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is repealed.

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

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

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 228-05.**

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

**An emergency resolution declaring the necessity and intention to appropriate property for the public use of constructing an all-weather track and football-field complex located at 1050 East 152nd Street.**

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 for the public purpose of constructing an all-weather track and football-field complex, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at 1050 East 152nd Street:

Permanent Parcel No. 115-16-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 2, Tract No. 10, and bounded and described as follows:

Beginning at a point in the center line of East 152nd Street, which is also the Easterly line of said Original Lot No. 2, distant South 181.60 feet from a stone monument at the intersection of said center line of East 152nd Street and the Easterly prolongation of the Southerly line of Sublot No. 44 in Cowles and Stark's Subdivision of part of Original Euclid Township Lot Nos. 1, 2, 42 and 43, Tract No. 10, as shown by the recorded plat in Volume 9 of Maps, Page 22 of Cuyahoga County Records;

Thence West at right angles with the Easterly line of said Original Lot No. 2, 446.38 feet to the Easterly line of The Ben Gray Allotment recorded in Volume 18 of Maps, Page 9 of Cuyahoga County Records; thence South 7° 01' 20" East along said Easterly line of The Ben Gray Allotment, about 150 feet to the South-westerly corner of premises conveyed to Manuel Halle by deed recorded in Volume 198, Page 285 of Cuyahoga County Records;

Thence Easterly along the Southerly line of premises so conveyed to Manuel Halle, 427.96 feet to the Southeastern corner thereof;

Thence North along the center line of East 152nd Street, about 150 feet to the beginning, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**Section 3.** 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 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.

**Res. No. 233-05.**

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

**An emergency resolution declaring the necessity and intention to appropriate property for the public purpose of constructing a public road in connection with the Battery Park development Project at West 74th and Goodwalt Avenue.**

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 for the public purpose of constructing a public road in connection with the Battery Park development Project, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at West 74th and Goodwalt Avenue:

Permanent Parcel Nos.  
002-04-014 and 002-04-030  
1275 West 74th Street and  
7400 Goodwalt Avenue,  
Cleveland, Ohio

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 35, 36, 37 and 38 in the George Smith's Allotment, being a

part of Original Brooklyn Township Lot No. 30, as shown by the recorded plat in Volume 17, Page 12 of Cuyahoga County Records, and further bounded and described as follows:

Beginning at a point in the Southeasterly corner of Sublot No. 38 in the Northerly side line of Goodwalt Avenue, N.W., 40 feet wide, as appears by the aforesaid Allotment Plat;

Thence Northerly along the Easterly lines of Sublots Nos. 35, 36, 37, and 38 in said Allotment a distance of 157.97 feet to a point in the North-easterly corner of Sublot No 35;

Thence Westerly along the Northerly line of Sublot No. 35, a distance of 44.73 feet to a point;

Thence Southerly a distance of 158.64 feet to a point in the Northerly side line of Goodwalt Avenue, N.W.;

Thence Easterly along the Northerly side line of Goodwalt Avenue, N.W., a distance of 37.71 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 35, 36, 37 and 38 in the George Smith's Allotment, being a part of Original Brooklyn Township Lot No. 30, as shown by the recorded plat in Volume 17, Page 12 of Cuyahoga County Map Records, and further bounded and described as follows:

Beginning at the intersection point of the Northerly side line of Goodwalt Avenue, N.W. (40 feet wide) and the Easterly side line of West 74th Street (40 feet wide);

Thence Northerly along the Easterly side line of West 74th Street, 162.46 feet to a point in the North-westerly corner of Sublot No. 35 in the aforesaid Allotment;

Thence Easterly along the Northerly line of said Sublot No. 35 a distance of 74.21 feet to a point;

Thence Southerly a distance of 158.64 feet to a point in the Northerly line of Goodwalt Avenue, N.W.;

Thence Westerly along the Northerly line of Goodwalt Avenue, N.W. a

distance of 79.88 feet to the place of beginning be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**Section 3.** 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 allowed by law.

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

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

**Ord. No. 237-05.**

**By Mayor Campbell.**

**An emergency ordinance approving the collective bargaining agreement with the Municipal Construction Equipment Operators' Labor Council; and amending Section 45 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Municipal Construction Equipment Operators' Labor Council, under the terms contained in File No. 237-05-A, for the period from February 14, 2005 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, each member of the bargaining agreement will receive a separate payment in the amount of \$500.00 no later than May 1, 2005, which amount is not part of the member's wage base. Each member will also receive an additional separate payment in an amount up to \$2,500.00, which also is not part of the member's wage base, in recognition of no wage increases for the period of January 1, 2004 through January 31, 2005. This amount will be calculated based upon the formula set forth in the file. This payment will be made to the member within two weeks after passage of this ordinance.

**Section 2.** That Section 45 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

**Section 45. Hourly Rate - MCEO**

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Construction Equipment - Group A .....	\$ 27.42	\$ 31.03
2. Construction Equipment - Group B .....	\$ 27.27	\$ 32.88
3. Master Mechanic.....	\$ 27.92	\$ 31.53

**Section 3.** That existing Section 45 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

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

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

**Ord. No. 243-05.****By Council Member Britt.**

**An emergency ordinance amending Section 2 of Ordinance No. 1687-04, passed September 13, 2004, as amended by Ordinance No. 1817-04, passed September 27, 2004, and as amended by Ordinance No. 2019-04, passed October 18, 2004 as it pertains to the InterAct Hunger Center 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 2 of Ordinance No. 1687-04, passed September 13, 2004, as amended by Ordinance No. 1817-04, passed September 27, 2004, and as amended by Ordinance No. 2019-04, passed October 18, 2004 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$31,368** and shall be paid from Fund No. 10 SF 166.

**Section 3.** That Section 2 of Ordinance No. 1687-04, passed September 13, 2004, as amended by Ordinance No. 1817-04, passed September 27, 2004, and as amended by Ordinance No. 2019-04, passed October 18, 2004 is hereby repealed.

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

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

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

**Ord. No. 244-05.****By Council Member White.**

**An emergency ordinance amending Section 2 of Ordinance No. 1209-04, passed June 14, 2004, as amended by Ordinance No. 1367-04 passed July 14, 2004 as it pertains to the Community Employment Resources Center Program through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1209-04, passed June 14, 2004, as amended by Ordinance No. 1367-04 passed July 14, 2004 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$61,000** and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2 of Ordinance No. 1209-04, passed June 14, 2004, as amended by Ordinance No.

1367-04 passed July 14, 2004 is hereby repealed

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

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

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

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

**Res. No. 236-05.****By Council Member Cimperman.**

**An emergency resolution declaring Cleveland City Council's support of the proposal of CMHA/McCormack Baron/Turbov for the development and construction of affordable housing using low-income housing tax credits from the Ohio Housing Finance Agency.**

Whereas, each year the Ohio Housing Finance Agency allocates low-income housing tax credits for affordable housing developments throughout Ohio using a competitive proposal process and

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, Cuyahoga Metropolitan Housing Authority (CMHA) has been awarded a HOPE VI grant in the amount of \$19,649,000 for the demolition and redevelopment of the Valleyview Homes Estates site ("Valleyview"); and

Whereas, CMHA and McCormack Baron Salazar/Turbov Associates ("Developers") are proposing to develop Phase I consisting of one hundred ten (110) units of multifamily housing on a portion of the Valleyview site; and

Whereas, approximately sixty-seven percent (67%) of these units will be occupied by qualified low-income individuals and families and approximately thirty-three percent (33%) by market-rate families; and

Whereas, no less than fifty percent (50%) of the units will be reserved for public housing eligible families; and

Whereas, none of these units are targeted for a special needs population as defined in the 2005 Qualified Allocation Plan; and

Whereas, the CMHA/McCormack Baron/Turbov proposal will benefit the citizens of the City; and

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

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

**Section 1.** That the Council of the City of Cleveland supports the proposal of CMHA/McCormack Baron/Turbov for the development

of affordable housing using low-income housing tax credits awarded by the Ohio Housing Finance Agency.

**Section 2.** That the Clerk of Council is hereby requested to transmit two certified copies of this resolution to the Executive Director of CMHA.

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

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

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

**Res. No. 245-05.****By Council Member Zone.**

**An emergency resolution declaring Cleveland City Council's support of the proposal of Cogswell Hall, Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio House Finance Agency.**

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation are proposing to renovate and expand the Cogswell Hall facility located at 7200 Franklin Boulevard; and

Whereas, all forty (40) units will be single room occupancy units for single women with limited incomes; and

Whereas, one hundred percent (100%) of these units will be set aside for individuals with a household income at or below fifty percent (50%) of area median gross income; and

Whereas, there will be no market rate units; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

**Section 1.** That the Council of the City of Cleveland supports the proposal of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation.

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

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

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

**Res. No. 246-05.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 6029 Superior Avenue and repealing Resolution No. 1573-04, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 6029 Superior Avenue by Resolution No. 1573-04 adopted by the Council on August 11, 2004; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Superior 61st Street Beverage, Inc., 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8703270 be and the same is hereby withdrawn and Resolution No. 1573-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 247-05.**

**By Council Member Dolan.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4217 Rocky River Drive and repealing Resolution No. 2074-04, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 4217 Rocky River Drive by Resolution No. 2074-04 adopted by the Council on October 25, 2004; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C1 Liquor Permit to Culver's Trucking, Inc., DBA Autocare Unlimited, 4217 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 1849017, be and the same is hereby withdrawn and Resolution No. 2074-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

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

**By Council Member Cimperman.**

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

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

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

**Ord. No. 134-05.**

**By Council Member Cimperman.**

An emergency ordinance to name the mailroom located in City Hall, 601 Lakeside Avenue, as "Andrew M. Kyovsky Mailroom".

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

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

Council Members Conwell and Cintron entered the meeting.

**MOTION**

By Council Member O'Malley, seconded by Council Member Gordon and unanimously carried that the absence of Council Member Robert J. White, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:48 p.m. to meet on Monday, February 28, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

February 9, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 9, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Absent: None.

Others: Jim Hardy, Acting Commissioner, Purchases and Supplies. Collette Appolito, Director, Office of Equal Opportunity.

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

**Resolution No. 59-05.**

**By Director Baker.**

Resolved, by the Board of Control of the City of Cleveland that the bid of Southern Electric Supply dba Rexel Duellman for an estimated quantity of standard wire, all items, for the various divisions of City government, for the period of one (1) year beginning from the date of execution of a contract, received on December 23, 2004, under the authority of Ordinance No. 2007-04, passed November 8, 2004, which on the basis of the estimated quantity would amount to One Hundred Seventy One Thousand Nine Hundred Fifty-Five and 00/100 Dollars (\$171,955.00) (2% 10th, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a require-

ment contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 149014 which shall be certified against such contract in the sum of Ten Thousand and 00/100 Dollars (\$10,000.00).

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

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 60-05.**

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that Alfieri Brothers Material Supply for an estimated quantity of labor and materials for the sewer test tee installation, inspection and repair, for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on October 27, 2004, under the authority of Section 541.13 of Codified Ordinances of Cleveland, Ohio, 1976, on the basis of the estimated quantity would amount to Four Hundred Forty Nine Thousand Two Hundred Forty and 00/100 Dollars (\$449,240.00), is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 150022 which shall be certified against the contract in the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Alfieri Brothers Material Supply for the contract authorized is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	

Einnob Construction Co.	
MBE	\$67,386.00 (15.00%)

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Direc-

tor Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 61-05.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of O.E. Meyer Co. for an estimated quantity of laboratory equipment, testing and analytical services: biological and chemical testing supplies, apparatus and appurtenances (item 2) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 10th day of December, 2004, under the authority of Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Eleven Thousand Two Hundred Thirty-Five Dollars and 25 Cents (\$11,235.25) (2% 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 149054 which shall be certified against such contract in the sum of Ten Thousand and 00/100 Dollars (\$10,000.00).

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

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 62-05.**

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 10, 2004 for an estimated quantity of laboratory equipment, testing and analytical services: biological and chemical testing supplies, apparatus and appurtenances (item 1) for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 63-05.**

By Director Mok.

Whereas, under Ordinance No. 624-01, passed by Cleveland City Council on July 18, 2001, and Board of Control Resolution Nos. 133-03 and

344-04, adopted March 5, 2003 and June 9, 2004, respectively, the City, through its Director of Port Control, entered into City Contract No. 60898 with O. R. Colan Associates, Inc. ("O. R. Colan") for turnkey acquisition, relocation and property management services as defined in the I-X Settlement Agreement and between the City and Brook Park, dated November 20, 2001; and

Whereas, under Board of Control Resolution No. 7-05 adopted January 12, 2005, the City approved the assignment of all O.R. Colan Associates, Inc.'s obligations under Contract No. 60898 to O.R. Colan Associates of Florida, LLC; and

Whereas, the City has determined to modify the scope of work to include the additional professional services necessary for acquisition of up to an additional seventy-two (72) residential properties situated in Phase I/Zone 3 of the expansion zone as defined by the Settlement Agreement; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a second modification to the agreement between the City and O.R. Colan Associates of Florida, LLC., City Contract No. 60898, to include the acquisition of up to an additional seventy-two residential properties situated in the Phase I/Zone 3 of the expansion zone as defined by the Settlement Agreement. The fee for the additional services shall not exceed \$3,603,101.69, thereby increasing the total contract amount to not to exceed \$8,598,201.09.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultants by O. R. Colan Associates of Florida, LLC. is approved:

<u>Sub-consultant</u>	<u>Amount</u>
<u>DBE/MBE/FBE %</u>	
Alpha Omega Chemical	
MBE 27.76%	\$1,000,000.00
United Engineering	
MBE .62%	\$ 22,000.00
Greater Cleveland Home	
Inspection	
MBE .53%	\$ 19,250.00
GAW Enterprises	
MBE 1.26%	\$ 45,360.00
Sandra Heath Associates	
FBE 1.29%	\$ 46,560.00

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 64-05.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 990-04, passed by the Council of the City of Cleveland on June 7, 2004, the firm of Ross & Baruzzini Transportation Services,

Inc., ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide design and consultant services for the construction of a security command center at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Ross & Baruzzini based upon its proposal dated December 30, 2003, provided that the compensation to Ross & Baruzzini for the services authorized shall not exceed Six Hundred Twenty Thousand Seven Hundred Seventy and 00/100 Dollars (\$620,770.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Ross & Baruzzini Transportation Services, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
Ralph Tyler	15.12% MBE	\$93,840.00
Vocon Design	20.58% FBE	\$127,740.00

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 65-05.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 2011-04, passed by the Council of the City of Cleveland December 13, 2004, the firm of The Osborn Engineering Company ("Consultant"), is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland to provide the professional services necessary to design the Cornell Road Bridge.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with The Osborn Engineering Company based upon its proposal dated December 10, 2004, provided that the compensation shall not exceed \$334,500.00, which contract shall be prepared by the Director of Law and shall contain such other provisions

as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by The Osborn Engineering Company for the design services contract authorized above is approved:

SUBCONTRACTORS

DLZ, Ohio Inc.  
(MBE — 30.43%) — \$101,804.00

MV Technologies  
(MBE — 8.92%) — \$29,850.78

KS Associates  
(FBE — 5.53%) — \$18,500.00

O.R. Colan Associates LLC  
(FBE — 5.94%) — \$19,875.00

TBE  
(1.95%) — \$6,537.00

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 66-05.**

By Director Ronayne.

Whereas, by Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, the City of Cleveland will sponsor Senior Day 2005 to be held on May 25, 2005; and

Whereas, Senior Day 2005 is open to the public free of charge; now, therefore,  
Be it resolved by the Board of Control of the City of Cleveland that notwithstanding and as an exception to the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at the Cleveland Convention Center for Senior Day 2005, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to Senior Day 2005 by the Cleveland Convention Center be charged at the prevailing rate to the Department of Aging.

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

**Resolution No. 67-05.**

By Director Fumich.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultant by Cleveland State University under the contract for professional services necessary to implement the Successful Aging

Elder Friendly Communities Pilot Project, authorized by Ordinance No. 2124-04, passed by on November 22, 2004, and Board of Control Resolution No. 56-05, adopted February 2, 2005, is approved:

<u>Subconsultant</u>	<u>Percentage of Contract</u>	<u>Amount</u>
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Laura Junglas	48.2%	\$17,600.00
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Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Nielson, Director Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.  
Absent: None.

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, FEBRUARY 28, 2005**

**9:30 A.M.**

**Calendar No. 05-22:** 3200 West 33rd Street (Ward 14)  
Mercedarian Plaza LP c/o Catholic Charities Housing Corporation, owner, appeal to erect an approximate 222' x 59' three-story, 30 unit, senior housing apartment building on a 234' x 168' corner lot in a B1 Two-Family District on the southwest corner of St. Rocco's Court and West 33rd Street at 3200



West 33rd Street; subject to the limitations of Section 337.03, the proposed apartment building is not permitted in a Two-Family District and limited by Section 355.04, where the gross floor area in a "B" District cannot exceed one-half of the lot area, the allowed maximum gross floor area is 19,602 s/f and 35,583 s/f is proposed; and with there being a 72,000 s/f required lot area per dwelling unit, there is 39,204 s/f proposed; and Sections 352.08 through 352.11 require a 4' wide landscape transition strip to separate the proposed multi-family use from the abutting Two-Family District; and to screen the parking area from the street and residential view, a 6' landscape strip and fence are required; with the location of the dumpster enclosure being 10' from the side lot line according to Section 357.05(b); and proposed parking in the front yard setback is not a permitted encroachment as stated in Section 357.14 of the Codified Ordinances.

**Calendar No. 05-23:** 7300 Clark Avenue (Ward 17)

Mark Bouguerra, owner, appeals to erect an additional 40' x 50' one-story building for storage of construction materials on a 130' x 122' corner lot in a General Retail Business District on the northwest corner of Clark Avenue and West 73rd Street at 7300 Clark Avenue; the proposed storage of construction equipment being prohibited under Section 343.11 and being first permitted in Section 345.03 for a Semi-Industry District; and a 10' wide transition/landscaping strip that provides 75% year-round opacity is required where the property abuts a Two-Family District as stated in Section 352.09 through Section 352.11 of the Codified Ordinances.

**Calendar No. 05-24:** 1621 Clark Avenue (Ward 14)

Marie and Edward Lipinski, owners, appeals to erect a 15' x 20' one-story, frame accessory garage on a 58' x 61' lot in a Multi-Family District on the south side of Clark Avenue at 1621 Clark Avenue; contrary to the requirements for accessory uses in Residential Districts, the accessory garage is located with no distance provided from the property lines and a minimum of 18" is required as stated in Section 337.23 of the Codified Ordinances and a 5' distance from the Right-of-Way is required according to the survey by the Division of Engineering and Construction.

**Calendar No. 05-25:** 11723-25 Union Avenue (Ward 3)

Mary Robinson, owner, appeals to change an existing two-story brick building from a commercial store and a dwelling unit to a restaurant and a cell phone sales store, situated on a 37' x 114' corner lot in a B1Two-Family District on the northwest corner of Union Avenue and East 118th Street at 11723-25 Union Avenue; the proposed change being contrary to Section 337.03, that does not allow the use in a Two-Family District but allows it first in Section 343.01 for a Local Retail Business District; and Section 349.04(f)

requires nine parking spaces for the combined use, with compliance to Sections 337.18(a)(b) that the parking area be properly graded and hard surfaced for drainage with installation of wheel bumpers in the parking lot; and the proposed expansion or substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 04-322:** 11415-39 St. Clair Avenue (Ward 9)

City of Cleveland Land Bank, owner, and Dave Ali, prospective purchaser, appeal to construct a parking lot on a 102' x 124' corner lot in a Local Retail Business District on the northwest corner of East 115th Street and St. Clair Avenue at 11415-39 St. Clair Avenue; contrary to Section 352.11, no transition landscaping strip is provided, where an 8' wide strip with 75% year-round opacity is required to separate the Local Retail District from the abutting One-Family District; and a 6' front yard setback is proposed along St. Clair Avenue, contrary to Section 357.04(a) that requires a 20' setback; and the Yards and Courts Regulations for the rear portion of a corner lot, prohibit a parking space in the required 10' building line setback from the side street line on the rear third of the corner lot in a Local Retail District; and on the rear of a corner lot in any use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear, no parking space shall be constructed nearer to the side street at the rear line of the corner lot than the building line of the butt lot (20'), provided that for each foot the building on the corner lot sets in from the rear lot line, it may be set one foot nearer to the side street line, as defined in Sections 357.05(b)(1)(2) of the Codified Ordinances. (Filed 12-14-04; Reinstated 1-24-05)

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, FEBRUARY 14, 2005**

At the meeting of the Board of Zoning Appeals on Monday, February 14, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 05-9:** 1801 Superior Avenue

The Plain Dealer Publishing Company appealed to install 6' high ornamental fence along its property facing East 18th Street and facing north on St. Clair Avenue.

**Calendar No. 04-331:** 10733 Leuer Avenue

Liberty Self-Storage and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in a B3 Semi-Industry District; with conditions.

**Calendar No. 04-332:** 2120 West 55th Street

Pleasant Valley Associates and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in a B3 General Industry District; with conditions.

**Calendar No. 04-333:** 2019 West 3rd Street

United Garage and Service Corporation and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in a B3 General Industry District.

**Calendar No. 04-334:** 3185 Independence Road

Wheeling & Lake Erie Railroad and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in an A3 Unrestricted Industrial District; with conditions.

The following appeal was **Denied**:

**Calendar No. 05-10:** Violation Notice 2781 West 11th Street

Jesus Roman appealed from a Notice of Violation issued by the Building and Housing Department for failure to comply with Section 327.02(b) of the Codified Ordinances.

The following appeals were **Postponed**:

**Calendar No. 04-2:** Appeal of North Coast Payphones postponed to March 21, 2005.

**Calendar No. 05-12:** 3891 East 147th Street postponed to March 7, 2005.

**Calendar No. 05-13:** 269-271 East 156th Street postponed to March 7, 2005.

**Calendar No. 04-328:** Appeal of North Coast Payphones postponed to March 21, 2005.

**Calendar No. 04-321:** 13528-30 Miles Avenue postponed to March 21, 2005.

In Executive Session on February 14, 2005, the following appeals heard by the Board on February 7, 2005 were adopted and approved.

The following appeals were **Approved**:

**Calendar No. 05-3:** 11021 Edgewater Drive

Craig Brown appealed to erect a 7' x 15' wooden trellis and construct a circular driveway and apron in the frontage of a one family dwelling in an AA1 One-Family District.

**Calendar No. 05-4:** 6850 Brookpark Road

Denny's Restaurant appealed to install an additional freestanding, 44 s/f double face illuminated identification sign in split zoning for General Retail Business and Semi-Industry Districts; with conditions.

**Calendar No. 05-5:** 3183 West 41st Street

The Catholic Diocese of Cleveland and St. Procop Catholic Church appealed to install as 4' x 7' illu-

minated, freestanding church bulletin sign in a Multi-Family District.

**Calendar No. 05-7:** 1428 East 110th Street

Beth-El A.M.E. Zion Church appealed to install a 5' wide free-standing illuminated reader board sign in the front of the existing church in a Two-Family District.

The following appeal was **Denied:**

**Calendar No. 05-6:** 4072 East 108th Street

Cleveland Housing Network, owner, and Elizabeth Lee, tenant, appealed to expand a dwelling house by including a Type A day care in the premises in a Two-Family District.

Secretary

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

Re: Report of the Meeting of February 9, 2005

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

\* \* \*

**Docket A-405.**

RE: Appeal of Curtis E. Hunt, Owner of the Two Story Masonry Property located on the premises known as 6002 Woodland Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated December 23, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain all permits for abatement of the violations on the property by April 1, 2005, and to complete abatement of all the violations on the property by July 1, 2005; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

\* \* \*

**Docket A-605.**

RE: Appeal of Ameriquist Mortgage Company, Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 9905 Gambier Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated December 8, 2004, requiring compliance with the

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

BE IT RESOLVED, that hearing testimony presented by the Appellant that they haven't made any attempts to alleviate any of the violations on the property, a motion is in order at this time to REMAND the property at 9905 Gambier Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-705.**

RE: Appeal of Charles Christopher Real Estate, Owner of the Property located on the premises known as 2572 Scranton Road from a LIMITATION ON THE PERMIT of the Director of the Department of Building and Housing, dated January 12, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the "Extension of time" on the PERMIT until July 1, 2005, with the conditions that there be no cooking on the premises and that there is no occupancy of the second floor and very limited occupancy of the basement area, as stated; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-805.**

RE: Appeal of Sutton Builders, Owner of the Property located on the premises known as West 57th Street & Side Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 2, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time DENY the Appellant's appeal request to have the property reviewed as a single family residence, respecting the State of Ohio Administrative Ordinances. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following

Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

A-139-04—Lakewood Hospital Association.

A-2-05 — Cleveland Institute of Music.

A-3-05 — West Ninth Properties LLC.

A-5-05 — 1266 West Sixth Street Limited.

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

\* \* \*

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

A-1-05—Aladdin's Baking Co.

Yeas: Messrs. Denk, Saab, Bradley. Nays: Mr. Saunders. Absent: Mr. Gallagher.

\* \* \*

**APPROVAL OF MINUTES:**

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

January 26, 2005

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

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

**Each bid must be made in accordance with the specifications and**

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

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

#### FRIDAY, FEBRUARY 25, 2005

**Prisoner Meals**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2231-04, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 17, 2005 AT 11:00 A.M., DIVISION OF POLICE, JUSTICE CENTER, 3RD FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44113.

**Back-Up Voice Recording System**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 533-04, passed by the Council of the City of Cleveland, July 14, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 17, 2005 AT 11:00 A.M., BUREAU OF COMMUNICATIONS, 4TH FLOOR (USE BACK DOOR), 2001 PAYNE AVENUE, CLEVELAND, OHIO 44114.

**Repair of Various Air Tools and Testing (Re-Bid)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1740-01, passed by the Council of the City of Cleveland, December 3, 2001.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 18, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

February 9, 2005 and February 16, 2005

#### WEDNESDAY, MARCH 2, 2005

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, FEBRUARY 22, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 9TH STREET, CLEVELAND, OHIO 44105.

February 9, 2005 and February 16, 2005

#### THURSDAY, MARCH 10, 2005

**Crossarms**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY** PRE-BID MEETING WEDNESDAY, FEBRUARY 23, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 9, 2005 and February 16, 2005

#### WEDNESDAY, MARCH 2, 2005

**Computer Hardware, Software & Associated Peripherals Equipment**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 126-05, pending.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 24, 2005 AT 1:30 P.M., INFORMATION TECHNOLOGY & SERVICES CONFERENCE ROOM, 4TH FLOOR, 205 WEST ST. CLAIR AVENUE, CLEVELAND, OHIO 44113.

February 16, 2005 and February 23, 2005

#### FRIDAY, MARCH 4, 2005

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 24, 2005 AT 10:30 A.M., DISTRIBUTION & MAINTENANCE, 2ND FLOOR, 4600 HARVARD AVENUE, NEWBURGH HEIGHTS, CLEVELAND, OHIO 44105.

February 16, 2005 and February 23, 2005

#### FRIDAY, MARCH 11, 2005

**Purchase of Laboratory Equipment, Testing and Analytical Services: Biological and Chemical Testing**

**Supplies, Apparatus and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 495-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 25, 2005 AT 1:00 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 16, 2005 and February 23, 2005

#### FRIDAY, MARCH 25, 2005

**Labor and Materials to Maintain and Repair Low-Pressure Steam Boiler System Equipment and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2310-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING FRIDAY, MARCH 4, 2005 AT 10:00 A.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 16, 2005 and February 23, 2005

### ADOPTED RESOLUTIONS AND ORDINANCES

#### Res. No. 186-05.

**By Council Members Conwell and Reed.**

**An emergency resolution urging the Ohio legislature to reintroduce and pass a mental health parity bill.**

Whereas, Ohio is one of 16 states that have yet to pass some form of parity law requiring private insurance to cover mental illnesses at the same level as other illnesses; and

Whereas, health insurance plans discriminate against millions of Americans with mental disorders by providing only limited coverage for mental health problems; and

Whereas, a mental health parity bill would prohibit discrimination in the coverage provided for the diagnosis, care and treatment of biologically based mental illnesses in sickness and accident insurance policies and in private and public employer self-insurance plans; and

Whereas, a 2001 analysis concluded that full parity of health insurance premiums would result in an average increase of only 1% to 1.5%; and

Whereas, such minimal insurance increases would be offset by increased productivity of workers, overall reduction of medical costs, reduction in crime and homelessness, and a subsequent increase in the number of contributing taxpayers with private insurance; and

Whereas, this Council supports the efforts of the Mental Health Advocacy Coalition and the Legisla-

tive Advocacy Committee for People with Disabilities which are lobbying the Ohio legislature to reintroduce a mental health insurance parity bill; and

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

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

**Section 1.** That this Council hereby urges the Ohio legislature to reintroduce and pass a mental health parity bill.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Bob Taft and those members of the State of Ohio Legislature representing residents of the City of Cleveland.

**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 February 7, 2005.

Effective February 10, 2005.

**Res. No. 187-05.**

**By Council Members Gordon, Coats and Pierce Scott.**

**An emergency resolution strongly opposing the plan of President George W. Bush to reduce Community Development Block Grant funding.**

Whereas, Community Development Block Grant ("CDBG") funds provide multipurpose development grants to state and local governments; and

Whereas, CDBG funds are used in a variety of ways from job creation and retention to housing rehabilitation as long as seventy percent (70%) of the funds received are used to benefit low income and moderate income persons; and

Whereas, discussions between the White House Office of Management and Budget and the Department of Housing and Urban Development suggest that CDBG funding could be cut by as much as fifty percent (50%); and

Whereas, reduction of CDBG funding will have a devastating effect on the City of Cleveland and other cities; and

Whereas, in these challenging economic times, it is important to continue programs that benefit low and moderate income persons and communities; and

Whereas, in these challenging economic times, it is also important to provide adequate funding of programs that increase economic development opportunities; and

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

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

**Section 1.** That this Council strongly opposes the plan of President George W. Bush to reduce Community Development Block Grant funding.

**Section 2.** That the Clerk of Council is hereby requested to transmit copies of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, the Board Members of the National League of Cities, the Board Members of the National Black Caucus of Local Elected Officials (NBC-LEO), and the Director of the Ohio Municipal League.

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

Adopted February 7, 2005.

Effective February 10, 2005.

**Res. No. 188-05.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 11022 Bellaire Avenue and repealing Resolution No. 1320-04, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 11022 Bellaire Avenue by Resolution No. 1320-04 adopted by the Council on July 14, 2004; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to KKMT Beverage & Deli, DBA Uncle Sam's Beverage and Deli, 11022 Bellaire Avenue, Cleveland, Ohio 44111, Permanent Number 4418200 be and the same is hereby withdrawn and Resolution No. 1320-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 7, 2005.

Effective February 10, 2005.

**Res. No. 189-05.**

**By Council Member Britt.**

**An emergency resolution objecting to a New C2 Liquor Permit at 12102 Larchmere Boulevard, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 1877625; 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 C2 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard Cleveland, Ohio 44120, Permanent Number 1877625; 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 February 7, 2005.  
Effective February 10, 2005.

**Res. No. 190-05.**  
**By Council Member Britt.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 8716 Cedar Avenue, and repealing Resolution No. 1545-04, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 8716 Cedar Avenue by Resolution No. 1545-04 adopted by the Council on August 11, 2004; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Willa G., Inc., DBA Gene's Corner Beverage, 8716 Cedar Avenue, Cleveland, Ohio

44106, Permanent Number 96191910005 be and the same is hereby withdrawn and Resolution No. 1545-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 7, 2005.  
Effective February 10, 2005.

**Res. No. 191-05.**  
**By Council Member Johnson.**  
**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 12916 Forest Avenue, 1st floor and basement and repealing Resolution No. 1333-04, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 12916 Forest Avenue, 1st floor and basement by Resolution No. 1333-04 adopted by the Council on July 14, 2004; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to T & J Beverage, DBA T & J Beverage Store, 12916 Forest Avenue, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 87731650005 be and the same is hereby withdrawn and Resolution No. 1333-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 7, 2005.  
Effective February 10, 2005.

**Ord. No. 2415-04.**

**By Council Members Coats and Cimperman.**

**An ordinance to amend Ordinance No. 1689-2000 establishing the Aberdeen Homes Planned Unit Development Overlay District (PUD) to exclude a parcel of land known as Phase 2 Parcel.**

Whereas, under Ordinance No. 1689-2000, passed May 14, 2001, this Council designated a Planned Unit Development ("PUD") for a certain area known as Aberdeen Homes; and

Whereas, this Council desires to amend the designated PUD to delete certain property from the PUD; now, therefore,

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

**Section 1.** That the lands described as follows shall be removed from the Aberdeen Homes Planned Unit Development Overlay District established by Ordinance No. 1689-2000:

Permanent Parcel Number 117-24-004 also known as Phase 2, Tuttle Parcel as recorded in Cuyahoga County Records Volume 313; Page 51 dated August 8th 2001.

**Section 2.** That the Planned Unit Development Overlay District for the area known as Aberdeen Homes established by Ordinance No. 1689-2000, as amended by this ordinance, is described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, known as being a part of Lot No. 51 of Tract 10 and being further bounded and described as follows:

Beginning at the iron pin monument found on the centerline of Quilliams Road, being at the southeast corner of Original Lot 51 of Tract 10:

Thence North 89 degrees, 57 minutes, 30 seconds West a distance of 30.00 feet to the northwest terminus of said Quilliams Road, said point being at the northwest corner of the TRI-ROAD DEV COMPANY MONTICELLO SUBDIVISION as shown by the plat recorded in Volume 142, Page 29 of PLATS and being also referenced by a 1/2-inch diameter iron pin found 0.20 feet south and 0.15 feet east);

Thence north 0 degrees 11 minutes 50 seconds west 48.33 feet to a 5/8-inch iron pin set;

Thence along the arc of a curve deflecting to the left 114.41 feet to a 5/8-inch iron pin set. Said curve having a radius 80.66 feet and a cord of 105.06 feet bearing north 53 degrees, 9 minutes, 31 seconds, west;

Thence south 86 degrees, 12 minutes, 23 seconds west 121.03 feet to a 5/8-inch pin set.

Thence along the arch of a curve deflecting to the right 162.01 feet to a 5/8-inch iron pin set. Said curve having a radius of 192.50 feet and a cord of 157.27 feet bearing north 69 degrees, 41 minutes, 1 second west;

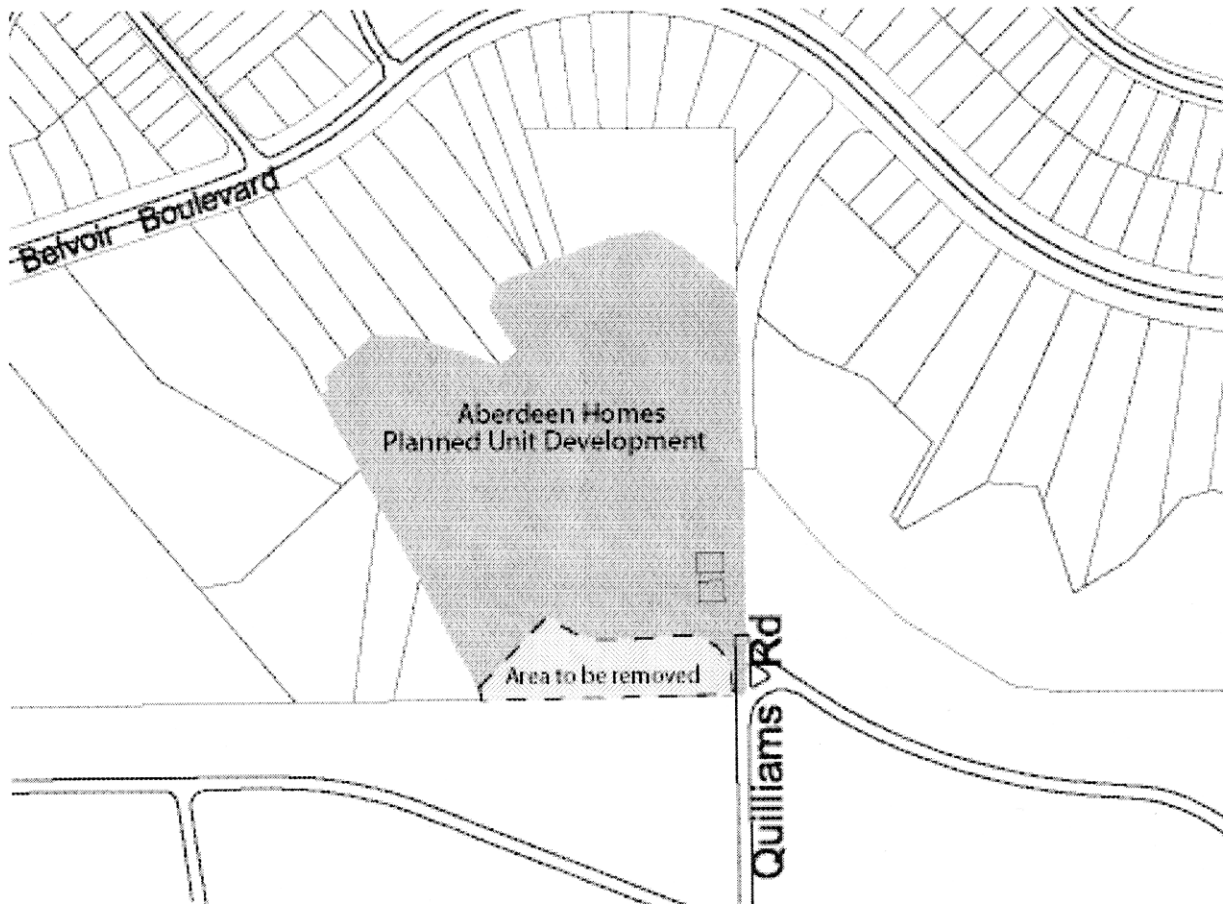
Thence south 44 degrees, 25 minutes, 35 seconds, west 192.97 feet to a 5/8 inch iron pin set in the easterly line of a parcel of land conveyed to Godfrey & M. Pettus by deed recorded in Volume 85-7125, Page 0012 of the OFFICIAL RECORDS;

Thence along the east line of said Pettus land and the east line of land now in the name of Bertha P. Dixon by deed as recorded in Volume 94-0348, Page 0031 of the OFFICIAL RECORDS and the east line of land now in the name of E.W. & G.S. Burrows by deed recorded in Volume 85-2063, Page 0021 of the OFFICIAL RECORDS and the east line of land now in the name of Peter N. & K.P. Kirsanow by deed recorded in Volume 15614, Page 0723, North 26 degrees, 58 minutes, 20 seconds West a distance of 639.80 feet to an 5/8-inch diameter iron pin set at the southwest corner of the BELVOIR VILLAGE SUBDIVISION NO. 3 as shown by the plat recorded in Volume 165, Page 15 of PLATS;

Thence along the south line of said subdivision the following courses and distances:  
 Thence North 52 degrees, 34 minutes, 20 seconds East a distance of 20.24 feet to an iron pin set;  
 Thence North 16 degrees, 23 minutes, 35 seconds West a distance of 21.43 feet to an iron pin set;  
 Thence North 50 degrees, 04 minutes, 45 seconds East a distance of 123.36 feet to a 5/8-inch diameter iron pin found;  
 Thence South 86 degrees 35 minutes, 40 seconds East a distance of 74.83 feet to a 5/8-inch diameter iron pin found;  
 Thence South 71 degrees, 15 minutes, 50 seconds East a distance of 177.22 feet to a 5/8-inch diameter iron pin found;  
 Thence North 31 degrees, 16 minutes, 20 Seconds West, a distance of 99.00 feet to an iron pin set;  
 Thence North 16 degrees, 53 minutes, 10 seconds East a distance of 46.20 feet to a point in the center of 9 MILE CREEK;  
 Thence North 69 degree, 13 minutes, 50 seconds East a distance of 241.53 feet to a point in the center of 9 MILE CREEK;  
 Thence North 83 degrees, 31 minutes, 10 seconds East a distance of 79.20 feet to a point in the center of 9 MILE CREEK;  
 Thence South 58 degrees, 411 minutes, 50 seconds East a distance of 75.00 feet to a point in the center of 9 MILE CREEK;  
 Thence South 49 degrees, 32 minutes, 30 seconds East a distance 122.80 feet to an iron pin set at the west line of block "H" as shown by the plat of GREEN BELVOIR HOUSING CORPORATION NO. 3 as recorded in Volume 141, Page 12 of PLATS;  
 Thence South 00 degrees, 11 minutes, 50 seconds East along said block and the west line of SELTZER ROUND COMPANY MONTICELLO SUBDIVISION as shown by the plat recorded in Volume 109, Page 30 of PLATS, passing through iron pins found at 289.59 feet and 464.99 feet, a distance of 772.04 feet to the principal point of beginning and containing therein 11.0663 acres of land.

**Section 3.** That the changed designation of lands described in Section 1 and Section 2 as shaded on the attached map shall be identified as Map Change No. 2143, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed February 7, 2005.  
 Effective March 19, 2005.

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

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

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

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

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

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

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

**Section 2.** That the designation of the area described in Section 1 as the Playhouse Square Community Entertainment District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed February 7, 2005.  
 Effective March 19, 2005.

**Ord. No. 183-05.**

**By Council Member Sweeney.**  
**An emergency ordinance authorizing the Director of Economic Development to consent to the assignment of Enterprise Zone Contract No. 51883 from Eagle Engineering & Manufacturing, Inc. to Enerco Realty, LLC; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms.**

Whereas, under Ordinance No. 1752-96, passed December 2, 1996, this Council authorized the Director of Economic Development to enter into an Enterprise Zone Agreement No. 51883 with the Eagle Engineering & Manufacturing, Inc. ("Eagle") to expand its facilities to 4540 West 160th Street; and

Whereas, Enerco Realty, LLC ("Enerco") acquired the property from Eagle in 2002 and intends to assume the obligations of Enterprise Zone Contract No. 51883 ("Contract"); and

Whereas, Enerco has requested that the City assign the balance of the Contract to Enerco; and

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

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

**Section 1.** That the Director of Economic Development is authorized to assign the obligations of Contract to Enerco.

**Section 2.** That the Director of Economic Development is authorized to enter into an amendment to the assigned Contract ("Amendment"), to reduce the level of real property tax abatement granted under the original agreement from 70% to 35%.

**Section 3.** That the Director of Economic Development is authorized to execute all documents and do all things necessary and appropriate to effect the consent to the assignment and amendments authorized by this legislation. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

**Section 4.** That the Amendment shall be prepared by the Director of Law.

**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 February 7, 2005.  
 Effective February 10, 2005.

**Ord. No. 184-05.**

**By Council Member White.**  
**An emergency ordinance that the Director of Parks, Recreation and Properties is hereby authorized to purchase various equipment and to enter into a maintenance service agreement for such equipment for the Miles Recreation Center for the public purpose of providing recreational programs and activities to Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to purchase various equipment for the Miles Recreation Center and to enter into a maintenance service agreement for such equipment, in accordance with the Charter and the Codified Ordinances of the City of Cleveland for the public purpose of providing recreational programs and activities to Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$35,000 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 February 7, 2005.  
 Effective February 10, 2005.

**Ord. No. 185-05.**

**By Council Member Cimperman.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Diabetes Association of Greater Cleveland to stretch a banner at Cleveland State University's walkway crossing over East 22nd Street at Euclid Avenue for the period from March 11, 2005 to April 11, 2005, inclusive, announcing the 20th Annual Verizon Wireless Swim for Diabetes.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Diabetes Association of Greater Cleveland to install, maintain and remove a banner at Cleveland State University's walkway crossing over East 22nd Street at Euclid Avenue, for the period from March 11, 2005 to April 11, 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 February 7, 2005.  
 Effective February 10, 2005.

**Ord. No. 192-05.**

**By Council Members Dolan and Westbrook.**

**An emergency ordinance excusing Ghassan Ali from the requirement of Section 74 of the Charter.**

Whereas, Section 74 of the Charter of the City of Cleveland requires employees of the City of Cleveland to be a bona fide resident of the City of Cleveland during employment with the City; and

Whereas, Section 74 of the Charter grants the Council the authority, by a majority vote of the Council, to excuse an employee from this requirement; and



Whereas, Ghassan Ali, an engineer employed in the Division of Water, has requested that he be excused from the requirement of Section 74 of the Charter (a copy of his request dated November 18, 2004 is incorporated into this ordinance and is included in File No. 192-05-A); and

Whereas, Mr. Ali's request is unique in that he is the father of a young child diagnosed with moderate to severe autism; and

Whereas, the intervention program recommended for Mr. Ali's son by a pediatric psychologist is not provided by the Cleveland Public School System; and

Whereas, fees to attend the recommended intervention program exceed \$60,000 per year; and

Whereas, another school system within Cuyahoga County provides the recommended intervention pro-

gram to students within that school system; and

Whereas, the Administration, in a memorandum dated January 28, 2005, indicated that they believe Mr. Ali's request "meets the spirit and intent of the waiver provision and supports Mr. Ali's request for a residency waiver" (a copy of the memorandum is incorporated into this ordinance and is included in File No. 192-05-A); and

Whereas, this Council is supportive of Mr. Ali's efforts to obtain access to an intervention program that will enable his disabled child to move ahead and reach his full potential; 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 the authority of Section 74 of the Charter of the City of Cleveland, this Council hereby excuses the following employee, Ghassan Ali, from the requirement that he be a bona fide resident of the City of Cleveland during his employment by the City of Cleveland.

**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 February 7, 2005.  
Effective February 10, 2005.

**Ord. No. 194-05.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Mt. Haven Missionary Baptist Church to encroach into the public right-of-way of Martin Luther King Jr. Drive and Union Ave. with 6 banners to be attached to utility poles (by separate permission), for the period from May 1, 2005 to October 31, 2005, publicizing the church's anniversary.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Mt. Haven Missionary Baptist Church, 3484 Martin Luther King Jr. Drive, Cleveland, Ohio 44104, its successors and assigns ("Permittee"), to encroach into the public right-of-way of Martin Luther King Jr. Drive and Union Ave., by installing, using, and maintaining 6 banners to be attached to utility poles (by separate permission), for the period from May 1, 2005 to October 31, 2005, inclusive, at the locations more fully described as follows:

Martin Luther King Jr. Drive and Union Ave.

<u>Address</u>	<u>Pole No.</u>	<u>Pole Owner</u>
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	513768	First Energy
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	SE-62-52a-6	CPP
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	SE-62-52a-7	CPP
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	45611	First Energy
11010 Union Ave. S.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	NO TAG	First Energy
11010 Union Ave. S.W. CORNER OF UNION AVE AND M.L.K. BLVD.	513769	First Energy

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

**Section 2.** That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use or to attach or affix any object to poles; Permittee shall obtain such permission from the respective pole owner.

**Section 3.** That Permittee shall install the encroaching structures only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

**Section 4.** That the Director of Law shall prepare the permit authorized by this ordinance and shall include such additional provisions as he determines necessary to protect and benefit the public interest. The Permit shall be issued only when, in the opinion of the Director of Law, the City has been properly indemnified against any loss which may result from the encroachments permitted.

**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 February 7, 2005.  
Effective February 10, 2005.

**COUNCIL COMMITTEE MEETINGS**

**GENERAL FUND BUDGET HEARINGS**  
**Wednesday, February 9, 2005**  
**9:00 a.m.**

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

**GENERAL FUND BUDGET HEARINGS**  
**Thursday, February 10, 2005**  
**9:00 a.m.**

**Finance Committee:** Present in Finance: Jackson, Chair; Sweeney,

Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

**GENERAL FUND BUDGET HEARINGS**  
**Friday, February 11, 2005**  
**9:00 a.m.**

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

**SPECIAL HEARING**  
**Monday, February 14, 2005**  
**9:00 a.m.**

**Finance Committee:** Present in Finance: Jackson, Chair; Sweeney,

Vice Chair; Brady, Britt, Coats, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Gordon.

**GENERAL FUND BUDGET HEARINGS**  
**Tuesday, February 15, 2005**  
**9:00 a.m.**

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

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O—Ordinance; R—Resolution; F—File  
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