

The City Record

Official Publication of the Council of the City of Cleveland



May the Fifth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	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	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, 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 – Julius Ciaccia, Jr., 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 – _____, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohm, 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 – _____, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, Secretary.

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

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

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director Michael G. Konicek; Council President Frank G. Jackson.

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

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

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet 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 Subodh Chandra; Chairman; Finance Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 5, 2004

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CITY COUNCIL

MONDAY, MAY 3, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

1:30 P.M. — **Legislation Committee:** White, Chairman; 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, 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, Scott.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 3, 2004

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Grady Stevenson of Damascus Road Ministries, located at 12905 Lenacrave Avenue in Ward 2. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 798-04.

From The Mayfield Village Council — copy of Resolution No. 2004-12, re: expressing opposition to House Bill 208. Received.

File No. 799-04.

From Senator Kevin Coughlin — letter receipt of Resolution No. 358-04 regarding House Bill 218. Received.

File No. 800-04.

From the Public Utilities Commission of Ohio — Letter receipt of Resolution No. 2356-03 re: FirstEnergy. Received.

File No. 801-04.

From the Office of Equal Opportunity re: Certified MBES and FBEs Reporting Period: First Quarter, 2004. Received.

File No. 802-04.

From the Office of Equal Opportunity re: Denials of Certification — First Quarter, 2004. Received.

File No. 803-04.

From the Office of Equal Opportunity re: MBE/FBE Deletions from OEO's Database — First Quarter, 2004. Received.

File No. 804-04.

From the Cleveland Theater District Development Corporation — Report of Activities and Financial Condition for 2003. Received.

File No. 805-04.

From Cuyahoga Community College — Tri-C Times, Volume. 2 Issue 2. Received.

File No. 806-04.

From The Richard E. Jacobs Group, Inc. — Annual report of Independent Auditor. Received.

File No. 807-04.

From The Richard E. Jacobs Group, Inc. — Auditors report for various Community Urban Redevelopment Corporation for the fiscal year ending December 31, 2003. Received.

File No. 808-04.

From Wachovia Bank, National Association — Notice of Non-Renewal. Received.

File No. 809-04.

From the City of Brooklyn — Public Hearing Notice. Received.

File No. 350-04-A.

Response from property owners to Resolution No. 350-04 assessment notice — Herman P. Pekrul. Received.

File No. 643-04-A.

From the Cleveland Public Library re: Library administration and union negotiations. Received.

**FROM DEPARTMENT OF
LIQUOR CONTROL**

File No. 810-04.

Re: New Application — 1547050 — Cleveland Italia, Inc., d.b.a. Castaldi Market & Grill, Tower City Center, 230 Huron Road, #100.12. (Ward 13). Received.

File No. 811-04.

Re: Transfer of Location Application — 00007250001 — A. & B. Randa, Inc., d.b.a. Family Discount, Inc. 1258 East 105th Street. (Ward 8). Received.

**STATEMENT OF WORK
ACCEPTED**

File No. 812-04.

From Public Utilities Department — Contract No. 57657, Baldwin Building Renovation No. 361, completed and accepted January 20, 2004. Received.

File No. 813-04.

From Public Utilities Department — Contract No. 57655, Baldwin Filter Rehabilitation, completed and accepted December 12, 2003. Received.

PLATS**File No. 814-04.**

Pembroke Homes Subdivision Plat, Part of Original Euclid Township Tract No. 5. Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 815-04—Janet P. Harris.

Res. No. 816-04 — Dorothy M. Rodgers.

Res. No. 817-04—Keith V. Rodgers, Sr.

Res. No. 818-04—Cortland Howard Buggs, Sr.

Res. No. 819-04—Callie Gould.

Res. No. 820-04 — Emma Rosalie Harris.

Res. No. 821-04—Mary Reidy.

Res. No. 822-04 — Captain James Walsh.

Res. No. 823-04—Sgt. Terrence Kilbane.

Res. No. 824-04 — Officer Martin Smitley.

Res. No. 825-04 — Mrs. Gertrude Huth.

CONGRATULATION RESOLUTION

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

Res. No. 826-04 — Rev. John M. Kumse.

RECOGNITION RESOLUTIONS

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

Res. No. 827-04 — B.R.I.D.G.E. the Gap Network.

Res. No. 828-04 — Robert Parkinson.

WELCOME RESOLUTION

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

Res. No. 829-04—LaTocha Scott.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 755-04.

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

Whereas, under Resolution No. 822-03, adopted July 16, 2003, this Council declared its intention to vacate Woodhill Court S.E.; and

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

Whereas, on February 5, 2004, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Woodhill Court S.E. (10.00 feet wide) extending Westerly from the Westerly line of Woodhill Road S.E. (80.00 feet wide) to its intersection with the Northerly prolongation of the Easterly line of land conveyed to Rose Ephriam by deed recorded in Cuyahoga County Records and being also known as PPN 126-37-057.

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

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

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

Section 4. That the Clerk of Council is directed to transmit a copy of

this resolution to the Auditor of Cuyahoga County.

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

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

Ord. No. 756-04.

By Council Member Westbrook.
An emergency ordinance to vacate a portion of West 101st Place.

Whereas, under Resolution No. 1706-03, adopted November 17, 2003, this Council declared its intention to vacate a portion of West 101st Place; and

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

Whereas, on April 20, 2004, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

West 101st Place (12.00 feet wide) extending from the Northerly line of Fidelity Avenue S.W. (60.00 feet wide) Northerly to the Southerly line of Almira Avenue S.W. (60.00 feet wide).

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

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

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

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

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 757-04.

By Council Member Sweeney (by request).

An emergency ordinance to vacate portions of Brysdale Avenue S.W., Midvale Avenue S.W., and West 180th Street.

Whereas, under Resolution No. 383-03, adopted April 7, 2003, this Council declared its intention to vacate portions of Brysdale Avenue S.W., Midvale Avenue S.W., and West 180th Street; and

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

Whereas, on April 20, 2004, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

BRYSDALE AVENUE S.W. (60.00 feet wide, extending Easterly from the Easterly line of Rocky River Drive (width varies) to its intersection with Harwell Road S.W. (80.00 feet wide).

MIDVALE AVENUE S.W. (60.00 feet wide) extending Easterly from the Easterly line of Rocky River Drive (width varies) to its intersection with Harwell Road S.W. (80.00 feet wide).

WEST 180th STREET (50.00 feet wide) extending Northerly from the Southerly line of Provident Land Company Riverview Subdivision Number 2 as shown by the Recorded Plat in Volume 95, Page 38 of Cuyahoga County Records to the Northerly line of said Riverview Subdivision No.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Fire equipment, Division of Water equipment, SBC equipment and Illuminating Company equipment. Easements reserved until no longer needed for existing structures.

That no structures shall be erected on the premises described in this easement except those constructed

under the approval of, and in compliance with, plans approved by the Division of Fire, Division of Water, SBC, and Illuminating Company, and the City of Cleveland.

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

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

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

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

Ord. No. 758-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, provide, install, and integrate a comprehensive security system or systems, including maintenance and training; determining the method of making the public improvement of constructing a Central Monitoring Facility to integrate and control the security systems; authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement; authorizing the Director of Public Utilities to employ one or more professional consultants to design a Central Monitoring Facility; authorizing the purchase of labor and materials necessary for the security of the City's Utilities; and authorizing the acquisition of interests in real property.

Whereas, following the tragic events of September 11, 2001, the Department of Public Utilities ("Department") hired a consultant to conduct a Vulnerability Assessment, update the Department's Emergency Response Plan, and design security system improvements in order to reduce the identified vulnerabilities of the various divisions of the Department and the Office of Radio Communications; and

Whereas, the Department desires to implement security improvements to ensure protection of the electric, sewer, water, and radio systems and the people they serve from potential terrorist attacks, theft, and vandalism, as soon as possible; 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 Utilities is authorized to employ by contract or contracts one

or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, provide, install, and integrate a comprehensive security system or systems, including maintenance and training, for the various divisions of the Department, including the Office of Radio Communications. The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing a Central Monitoring Facility (the "Improvement") to integrate and control the security systems authorized by this ordinance, for the various divisions of the Department of Public Utilities, including the Office of Radio Communications, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 3. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the above Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of trades or components may be the subject of a separate contract for a gross price. Upon request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

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

Section 5. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement authorized under Section 2 of this ordinance. The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consul-

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

Section 6. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: equipment, labor and/or materials, supplies, and other items and services necessary for the security systems for the various divisions, including but not limited to, fencing, gates, tree/shrub removal, window and door hardening, key systems, sensors, cameras, water quality monitors, and computer hardware, software and other secure data network systems components, to be purchased, procured, leased, or rented by the Commissioner of Purchases and Supplies on a unit basis, for the various divisions of the Department of Public Utilities, including the Office of Radio Communications.

Section 7. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of equipment, labor and/or materials, supplies, and other items and services necessary for the security systems, including but not limited to, fencing, gates, tree/shrub removal, window and door hardening, key systems, sensors, cameras, water quality monitors, and computer hardware, software and other secure data network systems components, to be purchased, procured, leased, or rented by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Public Utilities, including the Office of Radio Communications. 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 shall certify the amount of the initial purchases and procurements, which purchases and procurements, together with all subsequent purchases and procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts duly certified by the Director of Finance.

Section 8. That under Section 108(b) of the Charter, the purchases and procurements authorized by this ordinance may be made through cooperative agreements using state procedures. The Director Public Utili-

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

Section 9. That in undertaking the procurements authorized by this ordinance, the Director of Public Utilities and the Commissioner of Purchases and Supplies shall take all steps permitted by law to preserve the security and confidentiality of sensitive security information and infrastructure records as required by Section 149.43.3 of the Ohio Revised Code.

Section 10. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, 1976, the Commissioner of Purchases and Supplies is authorized to purchase, lease, or otherwise acquire easements, fee interests, licenses, permits, and other rights or interests in real property necessary for the security systems and the Improvement.

Section 11. That the Director of Public Utilities is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such rights or interests in real property necessary for the security systems and the Improvement and to employ title companies, surveyors, escrow agents, appraisers, and environmental consultants necessary for the acquisition or use of the rights or interests in real property authorized by this ordinance.

Section 12. That the Director of Public Utilities is authorized to apply, pay for, and execute such permits and licenses required by any regulatory entity or other public authority for making and operating the security systems and the Improvement.

Section 13. That the Director of Public Utilities is authorized to execute any third-party software license agreements required to effectuate the purposes of this ordinance.

Section 14. That the cost of the contracts, real property transactions, permits, licenses, and agreements authorized by this ordinance shall be paid from Fund Nos. 50 SF 002, 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of any grants or loans issued for the purpose of funding the security systems and the Improvement, and the proceeds of the sale of future waterworks revenue bonds and shall be charged against the proper appropriation accounts. (RL 148045)

Section 15. 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. 759-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various automotive and truck parts and services, including an inventory control service, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed three years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years of the necessary items of various automotive and truck parts and services, including an inventory control service, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153133)

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

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

Ord. No. 760-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Pitney Bowes for the purchase of maintenance on various mail sorters, for the Division of Water, Department of Public Utilities, for a period of three years.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Pitney Bowes. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Pitney Bowes on the basis of its proposal dated January 28, 2003, for a period of three years, for maintenance on mail sorters for the following equipment for a period not to exceed three years: R406 2586, R783 9902538, J632 1005579, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 148119.

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

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

Ord. No. 761-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Hach Company for the purchase of maintenance and calibration of turbidimeters, chlorine analyzers and particle-size analyzers, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Hach Company. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Hach Company on the basis of its proposal dated March 19, 2004, for a period of one year, for the maintenance and calibration of turbidimeters, chlorine analyzers and particle-size analyzers, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 147965.

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

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

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

Ord. No. 762-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Varian Inc. for the maintenance and repair of various Varian chromatographs, spectrometers and appurtenances, including the purchase of Varian consumable and replacement parts, for the Division of Water, Department of Public Utilities, for a period of three years on an as-needed basis.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Varian Inc. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Varian Inc. on the basis of its proposal dated January 6, 2004, for a period of three years, on an as-needed basis, for the maintenance and repair of various Varian chromatographs, spectrometers and appurtenances, including the purchase of Varian consumable and replacement parts, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 147966.

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

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

Ord. No. 763-04.

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

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130286)

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

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

Ord. No. 764-04.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130285)

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

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

Ord. No. 765-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of guard rail elements, posts, end wings, and necessary hardware, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of guard rail elements, posts, end wings, and necessary hardware in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Ser-

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139506)

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

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

Ord. No. 766-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of gutter broom sets, coreless tube brooms and gutter brooms for Vac-all type sweepers, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of gutter broom sets, coreless tube brooms and gutter brooms for Vac-all type sweepers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be

taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139509)

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

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

Ord. No. 767-04.

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

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of the rental of large capacity trucks with operators in the approximate amount as procured during the preceding term, procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be deter-

mined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139505)

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

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

Ord. No. 768-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases,

shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139504)

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

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

Ord. No. 769-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of liquid deicer, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139521)

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

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

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

Ord. No. 770-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139507)

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

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

Ord. No. 771-04.

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

An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of grinding pavement, for the Division of Streets, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed two years, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139516)

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

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

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

Ord. No. 772-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of vehicle and equipment batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130295)

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

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

Ord. No. 773-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of tire recapping services, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130296)

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

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

Ord. No. 774-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of tire repair road service, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130289)

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

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

Ord. No. 775-04. By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts for processing of recyclables, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make

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

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130454)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address) as Principal and _____ (Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying

forward, performing, or completing said contract; we, agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this day of _____, 20____.

PRINCIPAL: _____ SURETY: _____
BY: _____ BY: _____
Attorney-in-Fact
TITLE: _____

SURETY COMPANY ADDRESS:

Street _____

City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City _____ State _____ ZIP _____

"Exhibit A"

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

**Ord. No. 776-04.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of Daimler Chrysler vehicle parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of Daimler Chrysler vehicle parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service, Bids shall be taken in a manner that permits an award to be made for all items as a single con-

tract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130297)

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

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

**Ord. No. 777-04.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of towing 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 Division of Motor Vehicle Maintenance, Department of Public Service, Bids shall be taken in a manner that permits an award to be made for all items as a single con-

tract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130293)

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

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

**Ord. No. 778-04.
By Council Member Sweeney.**

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the Medical Center Company to allow and accept the improvements on Circle Drive between Adelbert Road and Cornell Road, as a gift to the City.

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

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with The Medical Center Company to allow it to construct improvements on Circle Drive between Adelbert Road and Cornell Road, and to accept the improvements. The agreement shall be prepared by the Director of Law and shall contain additional terms and conditions that the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 779-04.

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

An emergency ordinance to amend Section 12 and Section 13 of Ordinance No. 2144-03, passed January 5, 2004; and to amend Section 1 and Section 6 of Ordinance No. 69-04, passed January 12, 2004, relating to improvements at the facility located at 205 St. Clair Avenue.

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

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

Section 1. That Section 12 and Section 13 of Ordinance No. 2144-03, passed January 5, 2004, is amended to read as follows:

Section 12. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 183, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, 13 SF 996, 13 SF 998, 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, 01-400100-693000, from the fund or funds appropriated for use by the Cleveland Municipal Court that include this purpose, from the fund or funds authorized in Ordinance No. 69-04, passed January 12, and from any other fund or funds that may become available that are appropriated for use for this purpose, Request No. 115228.

Section 13. 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.

Section 2. That Section 12 and Section 13 of Ordinance No. 2144-03, passed January 5, 2004, is repealed.

Section 3. That Sections 1 and 6 of Ordinance No. 69-04, passed January 12, 2004, are amended to read as follows:

Section 1. That this Council authorizes and approves one or more contracts with Schirmer Construction Company, in an approximate total sum of **\$6,250,000.00**, for the public improvement of the emergency rehabilitation, renovation, reconstruction, or otherwise improvement of portions of the facility located at 205 St. Clair Avenue for the purpose of constructing a data center, emergency operations command center, and related program spaces for the use of the City of Cleveland, which improvement includes but is not limited to repairing the roof, and improvements to the 1st floor lobby and the 4th and 5th floors of the facility located at 205 St. Clair Avenue.

Section 6. That the costs of the contract or contracts shall be payable from Fund Nos. 11 SF 006, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 340, 20 SF 351, 20 SF 371, 20 SF 391, 13 SF 996, 13 SF 998, 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, from the fund or funds appropriated for use by the Cleveland Municipal Court that include this purpose, and from any other fund or funds that may become available that are appropri-

ated for use for this purpose, and from the fund or funds authorized in Ordinance No. 2144-03, passed January 5, 2004, and may also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of the initial purchase, acquisition, lease or procurement, which together with all later purchases or procurements, 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 112522)

Section 4. That Sections 1 and 6 of Ordinance No. 69-04, passed January 12, 2004, are repealed.

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

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

Ord. No. 780-04.

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

An emergency ordinance to supplement Ordinance No. 94-04, passed February 9, 2004, by adding new Sections 2 and 3 relating to the placement and maintenance of City recycling bins; and to renumber existing Sections 2 and 3 to new Sections 4 and 5.

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

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

Section 1. That Ordinance No. 94-04, passed February 9, 2004, is supplemented by adding new Sections 2 and 3 to read as follows:

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service is authorized to enter into a Concession Agreement with Abitibi Consolidated to place recycling bins on various City properties as part of a paper-recycling program for City residents, for a period not to exceed three years.

Section 3. That the agreement with Abitibi Consolidated shall provide that Abitibi Consolidated shall pay the City a monthly concession fee in accordance with the following fee schedule for paper collected at each location:

0 — 1.99 tons — \$0.00 per ton;
2 — 3.99 tons — \$5.00 per ton; and
4 or more tons — \$15.00 per ton.

Section 2. That existing Sections 2 and 3 of Ordinance No. 94-04, passed February 9, 2004, are renumbered to new "Section 4" and "Section 5".

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

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

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

Ord. No. 781-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cleveland Foundation for the Geographic Information Systems Mapping and Neighborhood Intervention Project; authorizing the director to employ one or more professional consultants to design the maps; authorizing the director to enter into contract with Case Western Reserve University to implement the project; and authorizing the purchase by one or more requirement contracts of materials, services, and supplies necessary to implement the project.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$225,133, and any other funds that may become available during the grant term from the Cleveland Foundation to conduct the Geographic Information Systems Mapping and Neighborhood Intervention Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary and proposal for the grant contained in the file described below.

Section 2. That the summary and proposal for the grant, File No. 781-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Section 4. That the Director of Public Health is authorized to enter into one or more contracts with EcoCity Cleveland for professional services necessary to design the maps needed to implement the project.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with Case Western Reserve University to implement the project as described in the file.

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 of the grant term of the necessary items of materials, services, and supplies which are necessary to implement the project as described in the file, 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.

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

Section 7. The contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 782-04.

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

An emergency ordinance to amend Sections 623.04, 627.01, 627.02, 627.04, 627.09 and 627.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to updating the Codified Ordinances to reflect the state of Ohio's concealed-carry handgun law.

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

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

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

Section 623.04, as amended by Ordinance No. 1160-82, passed November 22, 1982,

Section 627.01, as amended by Ordinance No. 2031-00, passed May 6, 2002,

Section 627.02, as amended by Ordinance No. 100-99, passed June 7, 1999,

Sections 627.04 and 627.09, as amended by Ordinance No. 483-75, passed June 9, 1975, and

Section 627.10, as amended by Ordinance No. 1361-01, passed August 15, 2001,

are amended to read as follows:

Section 623.04 Criminal Trespass

(a) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes

or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard.

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either;

(5) Knowingly enter or remain in any vacant and vandalized building or structure, including, but not limited to, a formerly occupied residential dwelling or dwelling unit, without having on his person the written permission of the owner of such structure granting permission to be in any such building or structure. This paragraph does not apply to governmental officers or employees when carrying out a lawful governmental function.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the first degree.

(e) As used in this section, "land or premises" includes any land, building, structure of place belonging to, controlled by or in custody of another, and any separate enclosure or room, or portion thereof.

(RC 2911.21.)

Section 627.01 Definitions

As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b)(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant or by pump action or by compressed gas. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(c) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (c)(1) of this section can be assembled.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(k) "Dangerous ordnance" means any of the following, except as provided in division (1) of this section:

(1) Any automatic or sawed-off firearm, zipgun or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, peacetol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(1) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (1)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.

(m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as class A, class B, or class C explosives by the United States department of transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in section 3743.01 of the Revised Code, or any explosive that is not subject to regulation under the rules of the fire marshal adopted pursuant to section 3737.82 of the Revised Code. (RC 2923.11.)

Section 627.02 Carrying Concealed Weapons

(a) No person shall knowingly carry or have, concealed on his or

her person or concealed ready at hand, any of the following:

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance.

(b) No person who has been issued a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, who is stopped for a law enforcement purpose, and who is carrying a concealed handgun shall fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then is carrying a concealed handgun.

(c)(1) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(c)(2) Division (a)(2) of this section does not apply to any of the following:

A. An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry a handgun and acting within the scope of the officer's, agent's, or employee's duties;

B. A person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.

(d) It is an affirmative defense to a charge under division (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a

member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of division (c) of Section 627.04.

(e) It is an affirmative defense to a charge under division (a) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the actor, prior to arriving at the actor's own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (b) or (c) of Section 627.04 while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(f) No person who is charged with a violation of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code as a condition for the dismissal of the charge.

(g) This section shall not apply if the offense is chargeable as a felony under division (g) of Section 2923.12 of the Revised Code.

(h) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(i) Notwithstanding the provisions of division (a) of Section 601.99, whoever violates this section is guilty of carrying concealed weapons, a misdemeanor, and shall be fined one thousand dollars (\$1,000) and imprisoned for six months.

No part of this sentence shall, in any case, be suspended or otherwise reduced except that any person convicted under this section, if he is at the time of such conviction shown to be gainfully employed, shall be released each day from the workhouse or other place of incarceration, to go to work, and shall at the conclusion of each such working day, during the term of his sentence, promptly return to the workhouse or place of incarceration until his sentence has been served. (RC 2923.12)

Section 627.04 Improperly Handling Firearms in a Motor Vehicle

(a) As used in this section, "unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan. **RC 2923.16(K).**

(b) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle. **RC 2923.16(B).**

This division does not apply if the offender previously has been convicted of or pleaded guilty to a violation of this division, or division (B) of Section 2923.16 of the Revised Code, or a substantially equivalent offense, and the offense constitutes a felony under division (I) of Section 2923.16 of the Revised Code.

(c) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

(1) In a closed package, box or case;

(2) In a compartment which can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight. **RC 2923.16(C).**

(d) No person who has been issued a license or temporary emergency license to carry a concealed handgun under Sections 2923.125 or 2923.1213 of the Revised Code shall do either of the following:

(1) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the motor vehicle. **RC 2923.16 (E)(3).**

(2) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with directions given by a law enforcement officer. **RC 2923.16 (E)(4).**

This division does not apply if the offender previously has been convicted of or pleaded guilty to a violation of this division, or division (E)(4) of Section 2923.16 of the Revised Code, or a substantially equivalent offense, and the offense constitutes a felony under division (I) of Section 2923.16 of the Revised Code.

(e) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties. **RC 2923.16(F)(1).**

(f) Divisions (b) and (c) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:

(1) The person transporting or possessing the handgun is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

(2) The person transporting or possessing the handgun is not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(3) Either the handgun is in a holster and in plain sight on the person's person or the handgun is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked. **(RC 2923.16 (F)(4)).**

(g)(1) The affirmative defenses authorized in divisions (d)(1) and (2) of Section 627.02 are affirmative defenses to a charge under division (b) or (c) of this section that involves a firearm other than a handgun. **RC 2923.16.(G)(1).**

(g)(2) It is an affirmative defense to a charge under division (b) or (c) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (b) or (c) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic. **RC 2923.16(G)(2).**

(h) No person who is charged with a violation of division (b) or (c) of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code as a condition for the dismissal of the charge.

(i) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surren-

ders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(j) **Whoever violates divisions (d)(1) or (d)(2) of this Section is guilty of a misdemeanor of the first degree.**

Notwithstanding the provisions of Sections 601.13 or 601.99(a), whoever violates any other division this section is guilty of improperly handling firearms in a motor vehicle, and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced. **(RC 2923.16).**

Ordinance 627.09 Possessing Deadly Weapons on Public Property

(a) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building.

(b) For the purpose of this section, public property and public buildings shall include, but not be limited to parks, playgrounds, beaches, marinas, courthouses, auditoriums, stadiums, office buildings, jails, storage areas and yards, greenhouses, plants and works and any other property, building or structure owned, leased or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private or parochial, and to churches, synagogues and other places of worship.

(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties, or if the deadly weapon was part of a public weapons display, show or exhibition or was in the possession of a person participating in an organized match, competition or practice session on public property, or in a public building.

(d) **This section does not apply to a person who, at the time of an alleged offense of violating this section that involves carrying or possession of a handgun, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.**

(e) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of possessing deadly

weapons on public property, and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Ordinance 627.10 Possessing Certain Weapons at or About Public Places

(a) No person shall knowingly carry, have in his possession or ready at hand any handgun, BB gun, pellet gun, dangerous ordinance, shotgun, rifle, knife having a blade two and one-half inches in length or longer, brass knuckles, cestus, billy, karate stick, black-jack, sword or saber while at or about a public place.

(b) As used in this section, "public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business and any grounds, areas or parks where persons would congregate.

(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties.

(d) This section shall not apply if any weapon in division (a) of this section was part of a public weapon display, show or exhibition, or was in the possession of a person participating in an organized match, competition or practice session.

(e) **This section does not apply to a person who, at the time of an alleged offense of violating this section that involves carrying or possession of a handgun, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.**

(f) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing the weapon, and that the weapon was kept ready at hand by the actor for defense purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in having the weapon ready at hand.

(g) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing a knife having a blade two and one-half inches in length or longer, and that either

(i) the actor at the time was engaged in a lawful business or pursuit and that business or pursuit requires a knife having a blade two and one-half inches in length or longer as a tool of trade or pursuit, or (ii) the knife having a blade two and one-half inches in length or longer was kept ready at hand by the actor for defense purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in having such a knife ready at hand.

(h) Notwithstanding the provisions of Section 601.13 and division (a) of Section 601.99, whoever violates this section is guilty of possessing certain weapons on or about public places and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three (3) days, nor more than six (6) months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

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

Section 623.04, as amended by Ordinance No. 1160-82, passed November 22, 1982,

Section 627.01, as amended by Ordinance No. 2031-00, passed May 6, 2002,

Section 627.02, as amended by Ordinance No. 100-99, passed June 7, 1999,

Sections 627.04 and 627.09, as amended by Ordinance No. 483-75, passed June 9, 1975, and

Section 627.10, as amended by Ordinance No. 1361-01, passed August 15, 2001, are repealed.

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

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

Ord. No. 783-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of photo supplies, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of photo supplies for the Police Photo Law, in the approximate amount as purchased during the preceding term, to be purchased

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 144916)

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

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

Ord. No. 784-04.

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

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

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

Section 2. That the aggregate cost of the contracts shall not exceed \$334,000.00, and shall be paid from Fund Nos. 14 SF 027 and 14 SF 030, Request No. 125763.

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

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

Ord. No. 785-04.

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

An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance; and authorizing the Director of Consumer Affairs to enter into one or more contracts with various entities to provide assistance to City residents.

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

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

Section 1. That Community Development Block Grant funds in the amount of Two Hundred Thousand Dollars (\$200,000) are appropriated for anti-predatory lending and foreclosure prevention assistance programs.

Section 2. That the Director of Consumer Affairs is authorized to enter into one or more contracts with various organizations to provide counseling, training, marketing, program evaluation and other services required for anti-predatory lending and foreclosure prevention assistance.

Section 3. That the aggregate cost of the contracts shall not exceed \$200,000 and shall be paid from Fund No. 14 SF 030, Request No. 125764.

Section 4. That prior to expending funds under this ordinance, the Directors of Consumer Affairs and Community Development shall enter into a memorandum of understanding for this program.

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

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

Ord. No. 786-04.

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

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept a grant from Knowledge Works Foundation for the Community Engagement 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 the City Planning Commission is authorized to apply for and accept a grant in the amount of \$100,000, from Knowledge Works Foundation to conduct the Community Engagement 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 attachment for the grant contained in the file described below.

Section 2. That the attachment for the grant, File No. 786-04-A made a part of this ordinance as if fully rewritten, is approved in all respects.

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 City Planning Commission, Finance, Law; Committees on City Planning, Finance.

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 789-04.

By Council Member Lewis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Consortium for Economic and Community Development for the New Day in Hough Food Distribution Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective May 8, 2004 to June 30, 2004 with the Consortium for Economic and Community Development for the New Day in Hough Food Distribution Program for the public purpose of providing food for low-income Cleveland residents through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 787-04.

By Council Member Westbrook (by departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimat-

ed assessments with respect to improving West 88th Street from Clark Avenue to Denison Avenue, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 351-04, adopted March 8, 2004, this Council declared the necessity of improving West 88th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way, or otherwise improving the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David J. Tarditi, John M. Moss, and Chavtz Seals, Sr., three disinterested freeholders of the City, are appointed as an assessment equalization board, and Douglas E. Melton, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 351-04, adopted March 8, 2004, by this Council.

Section 2. That the assessment equalization board shall meet at 9:00 a.m. on Wednesday, tMay 19, 2004, at Cleveland City Hall, 601 Lakeside Avenue, Room 113, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 788-04.
By Council Member O'Malley (by
departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving West 41st Street from Schiller Avenue to Archmere Avenue, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 350-04, adopted March 8, 2004, this Council declared the necessity of improving West 41st Street from Schiller Avenue to Archmere Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way, or otherwise improving the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David J. Tarditi, John M. Moss, and Chavtz Seals, Sr., three disinterested freeholders of the City, are appointed as an assessment equalization board, and Douglas E. Melton, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 350-04, adopted March 8, 2004, by this Council.

Section 2. That the assessment equalization board shall meet at 9:30 a.m. on Wednesday, May 19, 2004, at Cleveland City Hall, 601 Lakeside Avenue, Room 113, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 790-04.
By Council Members Reed, Brady,
Jones and Zone.

An emergency resolution supporting quality school building construction and recommending that the Ohio School Facilities Commission review its current contract specifications and consider additional contractor qualification criteria and procedures and further recommending that said Commission reconsider its position and allow local school districts the option to enter into a project labor agreement if the local board determines it is in the best interest of its district.

Whereas, the Cleveland Public School District has begun a vast capital improvement program to upgrade the district's facilities; and

Whereas, the Cleveland Public School District is participating in the Ohio School Facilities Commission's Program for the design and construction of the initial phase of the projects; and

Whereas, the Cleveland Public School District, along with Cleveland City Council, wishes to encourage quality construction to be performed with quality workmanship, completed on time, and completed within the established budget, in order to maximize the board's resources; and

Whereas, Cleveland City Council recognizes the hard work and dedication of the workforce within the community and desires to take advantage of that hard work and dedication for the benefit of Cleveland Public School students; and

Whereas, representatives of that workforce, including all crafts affiliated with the Building and Construction Trades, have endorsed the district's efforts to improve the facilities for our students and have worked tirelessly for the approval of local school levies; and

Whereas, this Council wishes to encourage the use of a local workforce, through responsible contracting practices and to support efforts to train a workforce of skilled construction workers; and

Whereas, City Council believes that construction of quality school facilities and the quantity of potential contractors will be enhanced if they are permitted to require contractors to pay prevailing wages to employees working on Classroom Facilities Projects; and

Whereas, this Council recognizes that certain criteria can be included in the contract documents for these projects to help assure quality construction in connection with the capital improvements program to the extent permitted by law and Ohio School Facilities Commission procedures and policies, as applicable to the program; and

Whereas, the Cleveland Public School District has reviewed contractor qualifications criteria and

the proposed procedures and wishes to identify additional contractor qualifications criteria and procedures, as appropriate to the work for which bids are solicited, to be included in the construction contract document, which will encourage quality construction, timely completion of work within the established budget; and

Whereas, the Cleveland Public School District and City Council wish to ensure that contractors working on the current project are compliant with applicable laws, financially stable and capable of executing construction contracts in a competent and professional manner; and

Whereas, Council and the Cleveland Public School District recognize that certain qualification criteria and procedures can be included in the construction contract documents for its projects to help assure quality construction; and

Whereas, Council and the Cleveland Public School District hopes to have the contractor qualification criteria and procedures set forth in the State specifications and included in the construction contract documents; and

Whereas, on April 22, 2004, a bipartisan legislative summit on quality school building construction was convened to address the matters set forth herein; 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 supports quality school building construction and recommends that the Ohio School Facilities Commission review its current contract specifications and consider additional contractor qualification criteria and procedures.

Section 2. That this Council further recommends that the Ohio School Facilities Commission reconsider its position and allow local school districts the option to enter into a project labor agreement if the local board determines it is in the best interest of its district.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Taft, Barbara Byrd-Bennet, CEO, Cleveland Municipal School District, the members of the Cleveland School Board, the Director of the Ohio School Facilities Commission and Loree Soggs of the Cleveland Building and Trade Commission.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 791-04.**By Council Member Brady.**

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 13501 Lakewood Heights Boulevard and repealing Resolution No. 549-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 13501 Lakewood Heights Boulevard, 1st Floor N/S only by Resolution No. 549-04 adopted by the Council on March 29, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Hajnaj, Inc., 13501 Lakewood Heights Boulevard, 1st floor, N/S only, Cleveland, Ohio 44107, Permanent Number 3505178 be and the same is hereby withdrawn and Resolution No. 549-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 792-04.**By Council Member Conwell.**

An emergency resolution withdrawing objections to the renewal of a C1 and C2 and New C1 and New C2 Liquor Permit at 11625 Superior Avenue and repealing Resolution Nos. 1307-03, 2350-03 and 361-04, objecting to said renewal and issuance.

Whereas, this Council objected to the renewal of a C1 and C2 and New C1 and New C2 Liquor Permit to 11625 Superior Avenue by Resolution No. 1307-03 adopted by the Council on July 16, 2003, Resolution No. 2350-03 adopted by the Council on November 24, 2003 and Resolution No. 361-04 adopted by the Council on March 8, 2004; and

Whereas, this Council wishes to withdraw its objections to the above renewal and issuance and consents to said renewal and issuance; 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 objections to the renewal of a C1 and C2 and New C1 and C2 Liquor Permit to Super Drive Thru, Inc., 11625 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8699981 be and the same is

hereby withdrawn and Resolution Nos. 1307-03, 2350-03 and 361-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal and issuance 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 793-04.**By Council Member Lewis.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5401 Euclid Avenue and repealing Resolution No. 2182-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5401 Euclid Avenue by Resolution No. 2182-03 adopted by the Council on November 10, 2003; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Georgette Abou Nader, DBA Midtown Express, 5401 Euclid Avenue, Cleveland, Ohio 44103, Permanent Number 0029193 be and the same is hereby withdrawn and Resolution No. 2182-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 794-04.**By Council Member Johnson.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 11312 Buckeye Road and repealing Resolution No. 1324-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 11312 Buckeye Road by Resolution No. 1324-03 adopted by the Council on July 16, 2003; 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 Gene A. Sardon, DBA Gene's Corner Beverage Store #1, 11312 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 7742555 be and the same is hereby withdrawn and Resolution No. 1324-03, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 795-04.**By Council Member Reed.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14005 Benwood Avenue and repealing Resolution No. 1344-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 14005 Benwood Avenue by Resolution No. 1344-03 adopted by the Council on July 16, 2003; 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 WDAD, Inc., DBA Shortcut Deli & Beverage, 14005 Benwood Avenue, Cleveland, Ohio 44128, Permanent Number 9446170 be and the same is hereby withdrawn and Resolution No. 1344-03, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 796-04.

By Council Members Zone, Jackson, Westbrook, Gordon, Lewis, Jones, Coats, Brady, Pierce Scott, Britt, Conwell, and Cintron.

An emergency resolution urging the Ohio Delegation to the U.S. Congress to vote to repeal the 2003 tax breaks which cause disastrous fiscal problems in this country's urban centers and to redirect a portion of the restored funds to the states so that painful budget cuts may be stopped; and further urging said Ohio Delegation to vote against any future tax breaks, which erode the funding available for critical domestic priorities.

Whereas, this Council believes that the City of Cleveland must provide quality services to its residents; and

Whereas, the City of Cleveland has experienced cuts to its budget because of Ohio's budget deficits over the last few years; and

Whereas, Ohio needs new revenue to prevent these and other deep budget cuts as well as to pay for education, affordable housing, child care, health care, prescription drugs, public safety, environmental programs, local aid, human services, and other badly needed state and local programs; and

Whereas, if significant revenue is not forthcoming, the City of Cleveland will face increased pressure to raise property taxes, raise fees, and/or cut vital services; and

Whereas, Ohio is in this fiscal crisis because the sluggish national economy has resulted in substantial loss of revenues; and

Whereas, President Bush and the U.S. Congress could have provided \$85 billion in aid to the states during this nationwide fiscal crisis, which would have eliminated every state's deficit; and

Whereas, instead, the President and Congress chose to pass a tax bill that provides only \$20 billion in aid to states and gives away \$330 billion in tax breaks; and

Whereas, the 2003 federal tax law will cost Ohio millions of dollars over the next decade; and

Whereas, Ohio has lost 213,100 jobs since the start of the recession; and

Whereas, the 2003 federal tax law will yield an average tax cut totaling only \$380 over 4 years to most of Ohio's taxpayers; and

Whereas, by 2006, 89% of Ohio residents will receive less than \$100 in tax cuts; and

Whereas, there is little evidence that these aforementioned tax breaks have the "trickle down" effect promoted by the U.S. government; and

Whereas, history has shown that large tax giveaways and inequality of wealth are often followed by weak economic growth and job loss; and

Whereas, Ohio relies on federal aid in the form of Medicaid reimbursements, general economic assistance, increased spending on transportation and housing development, direct homeland security funding and a strong Social Security system; and

Whereas, the federal government has required that states do more, but has not provided adequate funding to do so; and

Whereas, the 2003 federal tax law undermines our state and local efforts in areas such as homeland security, election reform, and the No Child Left Behind Act; and

Whereas, the 2003 federal tax law provides little tax relief to the vast majority of the citizens of Ohio; and

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

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

Section 1. That this Council hereby urges the Ohio Delegation to the U.S. Congress to vote to repeal the 2003 tax breaks which cause disastrous fiscal problems in this country's urban centers and to redirect a portion of the restored funds to the states so that painful budget cuts may be stopped.

Section 2. That this Council further urges said Ohio Delegation to vote against any future tax breaks, which erode the funding available for critical domestic priorities.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President George W. Bush, the Ohio Delegation to the U.S. Congress and Governor Bob Taft.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 797-04.

By Council Members Reed and Jones.

An emergency resolution urging the Greater Cleveland Regional Transit Authority and Geauga Lake Park officials to reinstate the bus route, or otherwise provide transportation, to Geauga Lake Park, formerly known as Six Flags Amusement Park, so that our youth may maintain summer employment at the park.

Whereas, it has come to this Council's attention that the Greater Cleveland Regional Transit Authority (RTA) along with officials at Geauga Lake Park, have discontinued service from Cuyahoga County to the amusement park located in Geauga County, Geauga Lake Park, formerly known as Six Flags Amusement Park; and

Whereas, many Cuyahoga County and city of Cleveland residents, mostly youth, have held jobs at this amusement park during the summer months; and

Whereas, often, these youth working at the park have no other recourse but to take public transportation to get to work; and

Whereas, it is incumbent upon RTA to provide service from Cuyahoga County to Geauga Lake Park so that these youth and all others

relying on public transportation may keep their summer employment at the park; 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 Greater Cleveland Regional Transit Authority and Geauga Lake Park officials to reinstate the bus route, or otherwise provide transportation, to Geauga Lake Park, formerly known as Six Flags Amusement Park, so that our youth may maintain summer employment at the park.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the Board of the Greater Cleveland Regional Transit Authority and Geauga Lake Park officials.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 787-03.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Crawford Road to Sandra Fleming Brooks.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2188-03.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Thornhill Drive to Edna L. Kates.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2455-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at rear of Sagamore

Avenue to Miller Bailey and Leola Bailey.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 214-04.

By Council Member Polensek.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 741 East 165th Street to Collinwood Development Corporation or designee.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 243-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of LED bulbs, for the Division of Traffic Engineering, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 245-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair interior and exterior bodies of the motor vehicle fleet, for the Division of Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 247-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of electrical test equipment and labor and materials necessary to maintain or repair electrical test equipment, including training when necessary, for the Division of Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 248-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of low sulfur #2 dyed diesel fuel oil, for the Division of Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 267-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Amistad Development Corporation or designee.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 270-04.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sheldon Drive to Donna L. Morgan.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 272-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Dunlap Avenue to Cleveland Housing Network, Inc. or designee.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 319-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of the lease of Group I, II, and III photocopiers for the various divisions of City government, for a period not to exceed five years.

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

1. In the title, lines 3 and 4, strike "the lease of Group I, II, and III photocopiers" and insert "**Group I, II, and III copiers and services**".

2. In Section 1, line 3, strike "of five years" and insert "**not to exceed five years**"; in line 4, strike "photocopiers" and insert "**copiers and services**"; in line 6, strike "on a unit basis" and insert "**in a manner to be determined by the Director of Finance such as purchase, lease with an option to purchase, rental, and cost-per-copy rental**"; and in line 7, after "government." insert "**If the items are to be leased, then the leased maintenance term shall be for a period of no more than five years.**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 340-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Alonzo and Oakdale Avenues to Amistad Development Corporation.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 353-04.

By Council Member Lewis.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 354-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to LLLJ. LTD.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 418-04.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from

the Ohio Emergency Management Agency, in cooperation with the Ohio Environmental Protection Agency for the State Homeland Security Grant Program, Critical Infrastructure Protection Program.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 421-04.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Fund, for a Clean Ohio Assistance Grant to conduct the remediation at the Prospect and Huron Buildings of the former Ameritrust complex located at East 9th Street and Euclid Avenue to be used for future development; and authorizing the Director to enter into one or more contracts with The Richard E. Jacobs Group, Inc. to implement the project.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 1, line 2, strike "the amount of" and insert "**an amount up to**".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 531-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of DARE items for the 2003-04 school year, for the Division of Police, Department of Public Safety.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 536-04.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Mt. Sinai Health Care Foundation for the Benefits Checkup Program.

Approved by Directors of Aging, Finance, Law; Relieved of Committee on Health and Human Services, Passage recommended by Committee on Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 543-04.

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

An emergency ordinance authorizing the Directors of Community Development and Aging to enter into one or more contracts with the Fairhill Center for Aging for the operation of a safe house program for seniors.

Approved by Directors of Community Development, Aging, Finance, Law; Relieved of Committee on Health and Human Services, Finance. Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 580-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide economic development assistance to partially finance the purchase of personal property and to make interior leasehold improvements to the property located at 1500 West 3rd Street, and all other associated costs to redevelop the property.

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

1. In Section 2, line 1, after "loan" insert "**and conditional grant**"; and in line 2, strike "580-04-A" and insert "**580-04-B**".

2. In Section 7, at the end, insert "**The agreement authorized by this ordinance shall require Education Loan Servicing Corporation to have on staff during the term of the agreement at least one representative in Cleveland to answer, in person, the questions of student borrowers utilizing the services of Education Loan Services Corporation and to assist them with the completion of forms, and to accept referrals from members of Council for the same purposes.**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 581-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide for a ten-year, seventy-five percent

tax abatement for certain tangible personal property located at 1500 West 3rd Street in the Cleveland Area Enterprise Zone.

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

1. In Section 5, at the end, insert "**The agreement authorized by this ordinance shall require Education Loan Servicing Corporation to have on staff during the term of the agreement at least one representative in Cleveland to answer, in person, the questions of student borrowers utilizing the services of Education Loan Services Corporation and to assist them with the completion of forms, and to accept referrals from members of Council for the same purposes.**".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 619-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 620-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal controllers and equipment necessary for a city-wide upgrade of traffic controls, for the Division of Traffic Engineering, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 621-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of crack sealing material, for the Division of Streets, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

LAID ON THE TABLE

Ord. No. 757-94.

By Council Members Jackson, Polensek, Patton and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 135.151, 135.152, 135.153, 135.154, 135.155, 135.156, and 141.38 thereof relating to the establishment of the Division of Correction and other various sections related thereto, in the Department of Public Safety, and the Office of Dog Pound in the Department of Public Health; and to repeal existing Sections 141.07, 141.071, 141.072, 141.08, 141.081, 141.09 and 135.16 thereof, as amended and enacted by various ordinances, relating to the Division of Correction, Reimbursement for Confinements Costs, Inmate Labor, Contracts with Governments for Care of Persons at Institutions, Home Detention Program, Uniforms for Institutional Guards and Matrons and Division of Dog Pound.

Ord. No. 1950-98.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 135.57, 135.58, 135.59, 135.60, 135.61, 135.62 and 135.63 thereof, relating to transferring the Division of Correction from the Department of Public Health to the Department of Public Safety; to amend Sections 135.01 and 141.02, as amended by various ordinances; and to repeal existing Sections 141.06, 141.07, 141.071, 141.072, 141.08, 141.081 and 141.09, as amended by various ordinances relating to the Division of Correction.

Without objection Ordinance 757-94 and Ordinance No. 1950-98 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinances Nos. 757-94 and 1950-98 tabled.

MOTION

The Council Meeting adjourned at 8:13 p.m. to meet on Monday, May 10, 2004 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 28, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 28, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Absent: Director Taylor.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

Resolution No. 235-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Harrington Electric Company, Inc. for an estimated quantity of labor and materials to maintain, repair and/or replace substation equipment, Group A, item nos. 1 thru 8, Group B, item nos. 9 thru 12 and Group C, item no. 13, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on February 18, 2004, pursuant to the authority of Ordinance No. 999-03, passed July 16, 2003, which on the basis of the estimated quantity, including a total estimated material cost for item no. 8 of \$250,000.00 plus Harrington's 15% increase over the manufacturer's price, would amount to Seven Hundred Twenty Nine Thousand Three Hundred Seventy-Five and no/100 Dollars (\$729,375.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131296 which shall be certified against such contract in the sum of One Hundred Fifty Thousand and no/100 Dollars (\$150,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 236-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Aqua Tech Environmen-

tal Laboratories, Inc. for an estimated quantity of laboratory services for water quality analysis (all items) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with receipt of a notice to proceed, received on the 13th day of February, 2004, pursuant to the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Sixty Thousand Two Hundred Thirteen Dollars and 60 Cents (\$160,213.60) (2% 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 148020 which shall be certified against such contract in the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than 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 subcontractor by Aqua Tech Environmental Laboratories, Inc. for the contract authorized is hereby approved:

SUBCONTRACTOR PERCENTAGE WORK

Data Chem Laboratories, Inc. 1.10%
\$1,760.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 237-04.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 1217-03, passed by the Council of the City of Cleveland on September 22, 2003, the firm of R. E. Warner & Associates, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional engineering services on an as needed basis at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with R. E. Warner & Associates, Inc.

based upon its proposal dated January 27, 2004, provided that the compensation to R. E. Warner & Associates, Inc. for the services authorized shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the professional services described above, 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 R. E. Warner & Associates, Inc. is hereby approved:

<u>Subconsultant</u>	<u>M/FBE %</u> <u>Amount</u>
Robert P. Madison International	40% MBE \$60,000.00
KS Associates	5% FBE \$7,500.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 238-04.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that all bids received on March 31, 2004, for labor and materials necessary to clean and maintain oil/water separators, sewers, electrical vaults, holding tanks, lift stations and associated appurtenances, including testing and disposal of waste materials for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 1218-03, passed by the Council of the City of Cleveland on September 22, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 239-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R. DiLillo & Company for the public improvement of Cleveland Skate Park — North Coast Harbor, for Base Bid Items #1 - #48 and Add Alternate Items #2AA, #3AA and #4AA including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on April 7, 2004, pursuant to the authority of Ordinance No. 2151-03, passed on December 15, 2003, upon a unit basis for the improvement in the aggregate amount of Three Hundred Eleven Thousand Four Hundred One and 65/100 Dollars (\$311,401.65), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter

into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. DiLillo & Company for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Ballast Fence (FBE)	\$95,634.00 30.71%
McTech Corporation (MBE)	\$26,000.00 8.35%
Service Supply	\$12,000.00 3.85%
Carrick Landscaping	\$7,000.00 2.25%

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 240-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Baker Vehicle Systems, Inc. for an estimated quantity of Cushman Equipment Parts for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 5th day of March 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to Forty Thousand and 00/100 Dollars (\$40,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136781 which shall be certified against such contract in the sum of Three Thousand and 00/100 Dollars (\$3,000.00), and

Requisition No. 136782 which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 241-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Baker Vehicle Systems, Inc. for an estimated quantity of Jacobsen Mower Parts for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 5th day of March 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to Twenty Thousand and 00/100 Dollars (\$20,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136783 which shall be certified against such contract in the sum of One Thousand and 00/100 Dollars (\$1,000.00), and

Requisition No. 136784 which shall be certified against such contract in the sum of One Thousand and 00/100 Dollars (\$1,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.
Nays: None.
Absent: Director Taylor.

Resolution No. 242-04.

By Director Ronayne.

Resolved, by Board of Control of the City of Cleveland that the bid of Cleveland Coca Cola Bottling Company, Inc. for an estimated quantity of Beverages for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 5th day of March 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to Seventy Thousand and 00/100 Dollars (\$70,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136787 which shall be certified against such contract in the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), and

Requisition No. 136788 which shall be certified against such contract in the sum of Thirteen Thousand and 00/100 Dollars (\$13,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 243-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Century Equipment Inc. for an estimated quantity of Toro Mower Parts for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 5th day of March, 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to Fifty Five Thousand and 00/100 Dollars (\$55,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136785

which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00), and

Requisition No. 136786

which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 244-04.

By Director Rush.

Whereas, pursuant to the authority of Ordinance No. 658-03, passed by the Council of the City of Cleveland on April 14, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City

of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 658-03, passed by the Council of the City of Cleveland on April 14, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to Matthew Solomon, 3609 East 65th Street Cleveland Ohio 44105, of Ten Thousand Dollars (\$10,000.00).

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

Resolution No. 245-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc. for the public improvement of Rehabilitation of East 4th Street between Prospect Avenue and Euclid Avenue, for the Division of Engineering and Construction, Department of Public Service, received on April 1, 2004, pursuant to the authority of Ordinances No. 1489-03, passed September 22, 2003, upon a unit basis for the improvement, in the aggregate amount of One Million, Eight Hundred Seventy-Two Thousand, One Hundred Ten and 00/100 Dollars (\$1,872,110.00), is affirmed and approved as the lowest responsible bid; and the Director of Public Service is authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractors by Envirocom Construction, Inc. for the above public improvement is approved

Pearlrock Mechanical
MBE — 13.35% — \$250,000.00

G. T. Electrical, Inc.
MBE 6.96% — \$130,325.00

Collinwood Shale Brick
FBE — 1.39% — \$26,000.00

Northeast Ohio Trenching, Inc.
5.24% — \$98,000.00

MA Building & Maintenance, Inc.
2.03% — \$38,000.00

Western Waterproofing, Inc.
00.29% — \$5,500.00

Corcoran Tile & Marble, Inc.
10.63% — \$199,000.00

21st Century Concrete, Inc.
10.68% — \$200,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ric-

chiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 17, 2004

9:30 A.M.

Calendar No. 04-88: 17735 Euclid Avenue (Ward 10)

Albert Dattilo, owner, and Ulysses Roscoe, tenant, appeal to change the use to an auto wash the 50' x 30' one-story masonry service station building on a 118' x 113' corner parcel located in a Local Retail Business District on the northwest corner of Wayside Road and Euclid Avenue at 17735 Euclid Avenue; contrary to the Regulations for Business Districts, under Section 343.01, a car wash is not permitted in a Local Retail District but first permitted in a General Retail Business District, as provided in Section 343.11(b)(2), where a car wash must be a 100' distance from a Residential District and the proposed car wash abuts a Residential District at the rear and there are two driveways proposed on a lot with a 115' frontage and two driveways are not permitted on a lot with less than a 150' frontage as stated in Section 343.18(a) of the Codified Ordinances.

Calendar No. 04-89: 3348 West 99th Street (Ward 18)

Edwin Lopez, owner, appeals to install a 4' high chain link fence along the front and side street yard setback of a 40' x 105' parcel located in a Two-Family District on the northwest corner of West 99th Street and Almira Avenue at 3348 West 99th Street; the proposed fence is contrary to the Fence Regulations that require ornamental fence materials to be used in the actual front side street yards of Residential Districts, unless the Board of Zoning Appeals determines that chain link fences are common in the immediate vicinity of the property as stated in Section 358.04(c)(1) of the Codified Ordinances.

Calendar No. 04-90: 6501 Quimby Avenue (Ward 7)

Rysar Properties c/o Tim Goldstein, owner, appeals to erect a 20' x 20' one-story frame accessory garage on an approximate 33' x 90' irregular shaped parcel located in a Multi-Family District on the northwest corner of Quimby Avenue and East 65th Street at 6501 Quimby Avenue; contrary to the Regulations for Side Street Yards where the rear lot line of the corner lot is also the side line of the butt lot in the rear, an 11' setback building line is proposed where a setback building line is established at 17' and no building shall be erected nearer to the side street line of a corner lot than the setback building line of the butt lot as stated in Section 357.05(b)(2) of the Codified Ordinances.

Calendar No. 04-91: 3815 Whitman Avenue (Ward 14)

Craig Huffman, owner, appeals to do interior and exterior alterations to an existing two-story, one family dwelling on a 31' x 132' lot located in a Two-Family District on the side of Whitman Avenue at 3815 Whitman Avenue; contrary to the Yards and Courts Regulations, an interior side yard distance of 26" is provided along the eastern property line where no less than 3' is allowed as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-92: 515 East 117th Street (Ward 9)

Mark Gomes, owner, and Shana McDade, tenant, appeal to establish use for a Type A day care in an existing dwelling unit of a multiple dwelling building, situated on a 51' x 120' parcel located in a Multi-Family District on the east side of East 117th Street at 515 East 117th Street; subject to Section 337.08(e)(3) of the Regulations for Residence Districts, the proposed day care location in a Multi-Family District abuts a One-Family District, and a day care and uses require the Board of Zoning Appeals approval if located less than 15' from any adjoining premises in a Residential District not used for a similar purpose; and a Type A day Care is subject to the review and approval of the Board of Zoning Appeals as stated in Section 337.02(f)(3)(C) of the Codified Ordinances.

Calendar No. 04-93: 1400 Brookpark Road (Ward 16)

Udelson Brookpark Ltd. c/o David Udelson, owner, and Our Lady of the Wayside, Inc. c/o Ken Voigt,

prospective tenant, appeal to establish for the use of a used car sales lot an acreage parcel located in General Industry and Semi-Industry Districts on the north side of Brookpark Road at 1400 Brookpark Road; contrary to Section 349.04(f) of the Off-Street Parking and Loading Requirements, there is no off-street parking proposed where 25% of the gross lot area is required for off-street parking and subject to the provisions of Section 349.07(a), off-street parking and maneuvering areas shall be surfaced with concrete or asphalt and be provided with wheel or bumper guards; and in the Landscaping and Screening Requirements a 4' wide frontage landscaping strip, providing 50% year-round opacity, is required along Brookpark Road as stated in Section 352.10 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 3, 2004

At the meeting of the Board of Zoning Appeals on Monday, May 3, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-81: 3580-82 West 135th Street

Brian Heidelman appealed to enclose a second floor porch of a two-family dwelling in a Two-Family District; subject to conditions.

Calendar No. 04-62: 9515 Woodland Avenue

M. Weingold & Company, owner, and Independence Excavating, lessee, appealed to do rock crushing for a temporary period of time on a portion of an acreage parcel in a General Industry District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 04-82: 3425 East 135th Street

Cheri Cross appealed to change a two family dwelling to a three unit, multi-family dwelling in a Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 04-59: 5718 Bridge Avenue

Norma Rodriquez appealed to change a two-story, mixed use building from a store and one dwelling unit to a restaurant and one dwelling unit in a Two-Family District.

The following appeals were **Postponed:**

Calendar No. 04-78: 1735 East 36th Street postponed to May 24, 2004.

Calendar No. 04-80: 1619 Denison Avenue postponed to June 7, 2004.

Calendar No. 04-83: 11409 Orville Avenue postponed to May 17, 2004.

On Monday, May 3, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, April 26, 2004, and said decisions were approved and adopted in Executive Session on Monday, May 3, 2004:

The following appeals were **Approved:**

Calendar No. 04-79: 15100 Lakeshore Boulevard

St. Jerome School c/o Reverend Thomas Haren appealed to install a 5' x 6' double face bulletin board sign mounted between two brick columns in the front of a three-story school building in a Multi-Family District.

Calendar No. 04-22: 14109 Benwood Avenue

Fifth Christian Church appealed to construct an accessory parking lot to the existing church in a Two-Family and a Local Retail Business District.

Calendar No. 04-58: 3507 Carnegie Avenue

Julian Kahan owner, and Martin Benade, prospective purchaser appealed to add a spray painting booth to a legal, nonconforming auto body repair shop in a General Retail Business District.

The following appeals were **Denied:**

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to

the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, MAY 13, 2004

St. Luke's Redevelopment-Phase II, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 579-04 pending.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, MAY 7, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Rehabilitating and Reconstructing Bennington Ave. from West 130th Street to Easterly End, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 2227-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 6, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

April 28, 2004 and May 5, 2004

THURSDAY, MAY 20, 2004

Rehabilitation of Canal Road from Columbus Road to Commercial Drive, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 2242-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 13, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

April 28, 2004 and May 5, 2004

THURSDAY, MAY 27, 2004

Wood Poles and Crossarms, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 12, 2004, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., ROOM 518, CLEVELAND, OHIO 44114.

April 28, 2004 and May 5, 2004

WEDNESDAY, MAY 19, 2004

Mast Arms and Decorative Signal Poles, for the Division of Traffic Engineering, Department of Public Service as authorized by Ordinance No. 244-04, passed by the Council of the City of Cleveland, April 5, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MAY 14, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Underground Electrical Conduit Installation, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 244-04, passed by the Council of the City of Cleveland, April 5, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 13, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

THURSDAY, MAY 20, 2004

Arbor Park Village — Phase 3, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 335-04, passed by the Council of the City of Cleveland, March 29, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 13, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Typewriter Maintenance, for Various Divisions, Department of

Finance, as authorized by Ordinance No. 415-04, pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 13, 2004, AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

FRIDAY, MAY 21, 2004

Exterminating Services, for Various Divisions, Department of Finance, as authorized by Ordinance No. 416-04, pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 13, 2004, AT 2:30 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

THURSDAY, MAY 27, 2004

Ready Mix Concrete, for Various Divisions, Department of Finance, as authorized by Ordinance No. 690-04, pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, MAY 17, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

FRIDAY, MAY 28, 2004

Quicklime, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 19, 2004, AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

WEDNESDAY, JUNE 2, 2004

Water Main Repair Specials (Bid Package No. 2), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1155-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, MAY 17, 2004 AT 10:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 720-04.

By Council Member Rybka.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit at 3277 East 65th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Regwill, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 7274036 to Tesharra Taylor, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 8853630; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Regwill, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 7274036 to Tesharra Taylor, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 8853630; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to

transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted April 26, 2004.

Effective April 30, 2004.

Res. No. 721-04.

By Council Member Cimperman.

An emergency resolution supporting initiatives to make Cleveland a truly bicycle-friendly city by 2010; supporting the City Planning Commission in the adoption of the Bike Lane Design Guide of the Pedestrian and Bicycle Information Center; and urging the Ohio Department of Transportation to reinstate the bike lanes into the Euclid Corridor Transportation Project between Cleveland State University and Case Western Reserve University

Whereas, in September, 2002, the City of Cleveland announced its intention to make Cleveland a bicycle-friendly city by 2010; and

Whereas, bike lanes, signed, shared roadways and multi-purpose trails will make up the transportation network that bicyclists will use in Cleveland; and

Whereas, bicycles are a legal mode of transportation in the state of Ohio and bicyclists enjoy the same rights and have the same responsibilities as motorists; and

Whereas, bicycling is a means of affordable transportation; and

Whereas, studies performed by the Federal Highway Administration on bike lanes have shown them to be a highly effective way of increasing safety for both the bicycle rider and motorist; and

Whereas, these same studies have proven that streets with bike lanes have increased bicycle ridership; and

Whereas, bicycling is an excellent form of recreation that can lead to improved health and physical fitness; and

Whereas, bicycling is environmentally sound and helps ease traffic congestion; and

Whereas, with the exception of lane width, the Bike Lane Design Guide specifications are consistent with the manual on Uniform Traffic Control and the AASHTO Guide for the Development of Bicycle Facilities; and

Whereas, the City of Chicago has used these guidelines since 1999 and is considered the most bicycle-friendly large city in the United States; and

Whereas, the City of Cleveland's Divisions of Engineering and Construction and Traffic Engineering have reviewed and approved the Bike Lane Design Guide; and

Whereas, if the City of Cleveland does not adopt a set of local design guidelines, all questions about the design of bicycle lanes and other on-street bicycle facilities will be decided by the Ohio Department of Transportation; and

Whereas, if bike lane design decisions are left to the Ohio Department of Transportation, the Euclid Corridor Transportation Project may not include the bike lanes between Cleveland State University and Case Western Reserve University specifically requested by the City; and

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

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

Section 1. That this Council of the City of Cleveland supports initiatives to make Cleveland a truly bicycle-friendly city by 2010; supports the City Planning Commission in the adoption of the Bike Lane Design Guide of the Pedestrian and Bicycle Information Center; and urges the Ohio Department of Transportation to reinstate the bike lanes into the Euclid Corridor Transportation Project between Cleveland State University and Case Western Reserve University.

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

Adopted April 26, 2004.

Effective April 30, 2004.

Res. No. 722-04.

By Council Members Cimperman, Westbrook and Brady.

An emergency resolution supporting the elimination of the so-called "two-thirds" rule and overhaul of the Ohio Schools Facilities Commission's reimbursement policies for rehabilitation which will allow the Cleveland Municipal School District maximum flexibility in its decisions regarding whether an older neighborhood school can be rehabilitated for continued use in our City and in communities throughout the State of Ohio.

Whereas, the City of Cleveland has architecturally and historically significant school buildings listed or eligible for listing on the National Register of Historic Places; and

Whereas, the exteriors of these historic neighborhood schools are constructed of the finest building materials available; and

Whereas, many of these fine older buildings can and should be rehabilitated to meet the 21st century educational needs of Cleveland's school children; and

Whereas, the historic rehabilitation of neighborhood schools will beautify Cleveland neighborhoods and likely result in increased property values; and

Whereas, the Ohio Schools Facilities Commission's Design Manual and reimbursement rules are biased against rehabilitation in favor of new construction, significantly limiting the options of local school districts; and

Whereas, the Columbus Landmark Foundation in its 2002 Historic Schools Technical Assistance Consortium Final Report, demonstrated that there are cost savings in building renovation verses new construction with the renovated building providing 21st Century "suitability"; and

Whereas, cost savings can be gained to provide 21st century school building facilities by revising the methodology to further evaluate adequacy of historic buildings and their renovation; and

Whereas, the Ohio Schools Facilities Commission should develop reimbursement guidelines which give greater consideration to the issues concerning older urban school building and sites and their respective importance effecting the fabric of urban neighborhoods; 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 hereby supports the elimination of the so-called "two-thirds" rule and overhaul of the Ohio Schools Facilities Commission's reimbursement policies for rehabilitation which will allow the Cleveland Municipal School District maximum flexibility in its decisions regarding whether an older neighborhood school can be rehabilitated for continued use in our City and in communities throughout the State of Ohio

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the members of the Ohio School Facilities Commission, the Cleveland Municipal School Board, and the Ohio House and Senate Committees on Education.

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

Adopted April 26, 2004.
Effective April 29, 2004.

Res. No. 723-04.

By Council Member Jackson.

An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.

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

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

Section 1. That the schedule of meetings during the summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 14, 2004
August 11, 2004

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 pm on Monday, September 13, 2004.

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

Adopted April 26, 2004.
Effective April 30, 2004.

Res. No. 726-04.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 10510-12 Madison Avenue, 1st floor and basement and repealing Resolution No. 359-04, objection to said transfer

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison Avenue, 1st floor and basement by Resolution No. 359-04 adopted by the Council on March 8, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to W B Holdings, Inc., 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44111, Permanent Number 9279409 be and the same is hereby withdrawn and Resolution No. 359-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 26, 2004.
Effective April 30, 2004.

Ord. No. 1982-03.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Cuyahoga County Mental Health Board for psychiatric services for House of Corrections' inmates, for the Division of House of Corrections, Department of Public Health, for a period of one year.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with the Cuyahoga County Mental Health Board for professional services necessary to provide psychiatric services to House of Corrections' inmates, for a period of one year, on an as-needed basis, payable from Fund No. 01-500301-662000 and from funds appropriated for 2004 which include this purpose, Request No. 143275, for the Division of House of Corrections, Department of Public Health.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 165-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 16326 Bryce Avenue to James A. Moore and Brenda Moore.

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). 143-01-108, as more fully described below, to James A. Moore and Brenda Moore.

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

P. P. No. 143-01-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 62 in Hart Goldberg Realty Company's Lee Center Subdivision of part of Original Warrensville Township Lot No. 91 as shown by the recorded plat in Volume 76 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Bryce Avenue, S.E. (formerly Brookfield Avenue) and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

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

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

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

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

Passed April 26, 2004.
Effective April 30, 2004.

**Ord. No. 166-04.
By Council Member Jones.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 163rd Street to Cleveland Housing Network, Inc. or designee.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 141-07-088, as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 141-07-088

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

Ohio, and known as being Sublot Nos. 295 and 296 in the Sorrento Park Subdivision of part of Original Warrensville Township Lots Nos. 72 and 82, as shown by the recorded plat in Volume 15 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land having a frontage of 50 feet on the Westerly side of East 163rd Street and extending back of equal width, 125 feet deep, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 215-A-04. (As a substitute for Ord. No. 215-04).

By Council Member Zone.

An ordinance to change the zoning of parcels along W. 79th Street between Ferrell Avenue and Madison Avenue from a General Industry Use District to a Multi-Family Residential Use District and a Parking District and from a "B" Area to an "E" Area (Map Change No. 2112, Sheet No. 1).

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

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

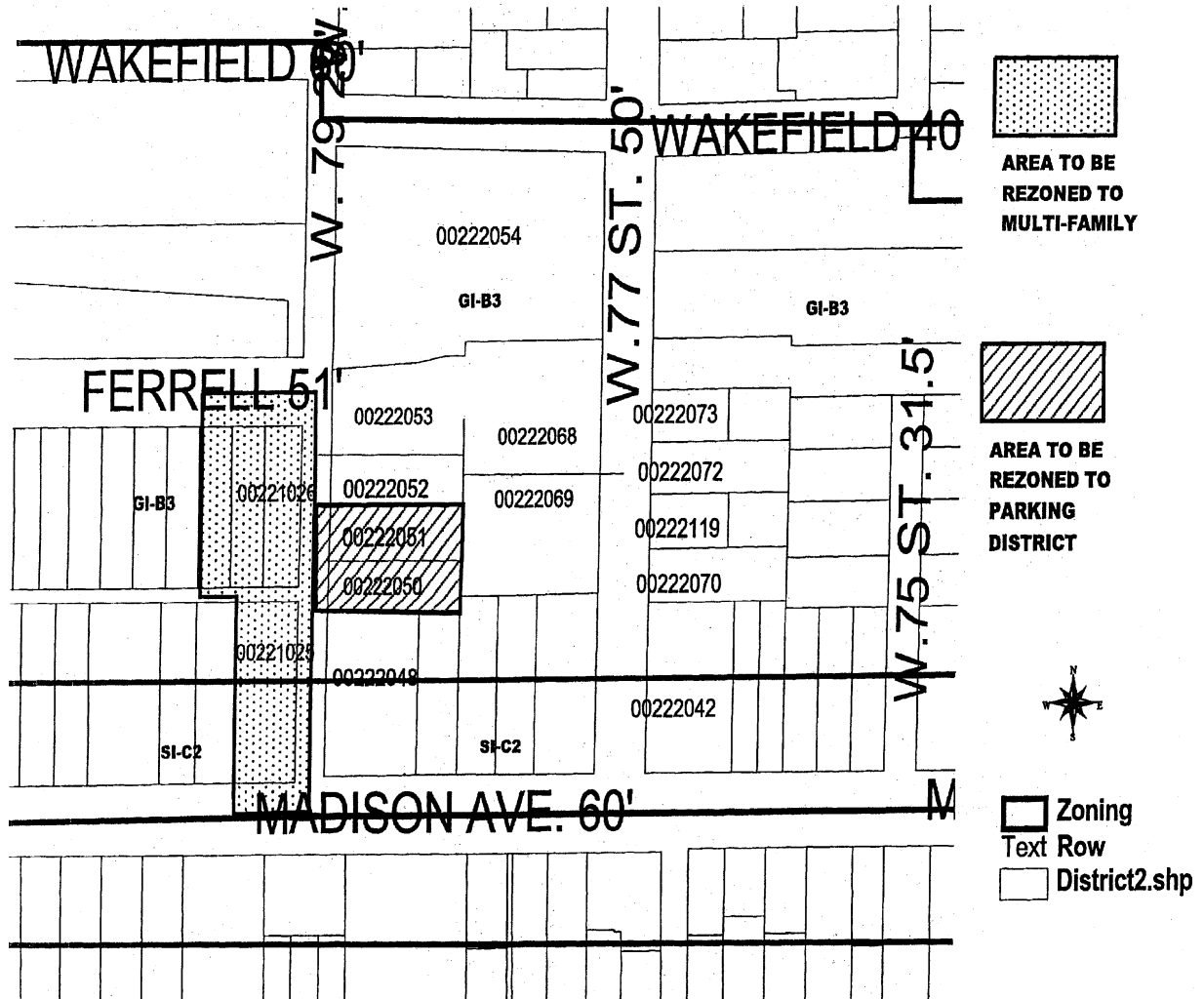
Beginning on the centerline of Ferrell Avenue N.W. (51 feet wide) at its Intersection with the Northerly prolongation of the Westerly line of the Lot Consolidation Plat for EDEN, Inc. as shown by the recorded plat in Volume 311, Page 96 of Cuyahoga County Records; thence Easterly along the Centerline of said Ferrell Avenue N.W. to its Intersection with the Centerline of West 79th Street (29 feet wide); thence Southerly along the Centerline of said West 79th Street to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 5 of the D.Z. Herr & C. Gregerson Allotment as shown by the recorded plat in Volume 5, Page 46 of Cuyahoga County Records; thence Easterly along the Westerly prolongation and Northerly line of said Sublot No. 5 to the Northeasterly corner thereof; thence Southerly along the Easterly line of Sublot No. 5 and Sublot. No. 4 of

said Allotment to the Southeasterly corner thereof; thence Westerly along the Southerly line and Westerly prolongation of Sublot No. 4 of said Allotment to its Intersection with the Centerline of West 79th Street, as aforesaid; thence Southerly along the Centerline of said West 79th Street to its Intersection with the Centerline of Madison Avenue (60 feet wide); thence Westerly along the Centerline of said Madison Avenue to its Intersection with the Southerly prolongation of the Easterly line of Sublot No. 58 of the Charles Pease Subdivision as shown by the recorded plat in Volume 20, Page 12 of Cuyahoga County Records; thence Northerly along the Southerly prolongation, Easterly line, and Northerly prolongation of Sublot No. 58 of said Subdivision to its Intersection with the Centerline of Pease Court N.W. (12 feet wide); thence Westerly along the Centerline of said Pease Court N.W. to its Intersection with the Southerly prolongation of the Westerly line of the Lot Consolidation Plat for EDEN, Inc., as aforesaid; thence Northerly along the Southerly prolongation, Westerly line and Northerly prolongation of the Westerly line of said Lot Consolidation Plat for EDEN, Inc. to place of beginning, and as outlined and shaded on the attached map is changed to a Multi-Family Residential Use District Business and a Parking District and to an "E" Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2112, Sheet No. 1, 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 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Proposed rezoning of parcels along W. 79th Street between Madison Avenue and Ferrell Avenue from a General Industry Use District to a Multi-Family Residential Use District and a Parking District, and from a "B" Area to an "E" Area District. (Map Change No. 2112, Sheet No. 1).



Passed April 26, 2004.
Effective June 5, 2004.

Ord. No. 239-04.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to update the indirect cost allocation plan.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to update the indirect cost allocation plan.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 01-011701-632000, 01-151001-632000, 01-150601-632000, 01-150101-632000, and 01-150501-632000, Request No. 100953.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 252-04.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to provide asbestos evaluation and Phase I environmental audits; and authorizing the purchase by one or more requirement contracts of clean-up and securing of sites and the removal and disposal of underground storage tanks, for the Department of Building and Housing 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 Building and Housing is authorized to employ by contract or contracts

one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to provide environmental compliance monitoring services in conjunction with the City's demolition program for a one year period.

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

Section 2. That the Director of Building and Housing is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to provide asbestos evaluation and Phase I environmental audit services in conjunction with the City's demolition program for a one year period.

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

Section 3. That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of clean-up and securing of sites and the removal and disposal of underground storage tanks, 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 Building and Housing. 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 a provision is made for the requirements for the entire term.

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

Section 5. That the costs of the contract or contracts shall be charged against Fund Nos. 14 SF 027, 14 SF 028, and from 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 111698)

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 264-04.

By Council Member Cintron.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 48th Street to Urban Community School.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-121 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-121
Sited in the City of Cleveland,
County of Cuyahoga and State of

Ohio, and known as being the Easterly 30.0 feet of Sublot No. 184 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and forming a parcel of land 40.00 feet front on the Westerly side of West 48th Place and extending backing between parallel lines 30.00 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That 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. 006-20-122 as more fully described below to Urban Community School.

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

P. P. No. 006-20-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 27.5 feet of Sublot No. 183 in the Taylor and Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and forming a parcel of land 27.5 feet front on the Easterly side of West 48th Street (formerly Liberty Street) and extending back between parallel lines 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-123 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 15 feet of Sublot No. 182 and the Northerly 12.5 feet of Sublot No. 183 in Taylor and Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and together forming a parcel of land 27.5 feet front on the Easterly side of West 48th Street and extending back of equal width 125 feet deep be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-124 as

more fully described, to Urban Community School.

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

P. P. No. 006-20-124

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet of Sublot No. 182 in Elisha Taylor and James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records and being 25 feet front on the Easterly side of West 48th Street, (formerly Liberty Street), and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-125 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 181 in Taylor and Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 48th Street, and extending back of equal width 125 feet deep be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-126 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sublot No. 180 in Taylor and Hoyt's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 48th Street (formerly Liberty Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the docu-

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

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

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

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 273-04.

By Council Member Zane.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Courtland Court to Denison Homes 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). 002-32-074, 002-32-075 and 002-32-077, as more fully described below, to Denison Homes Inc.

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

P. P. No. 002-32-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 186 and 187 in Benedict and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, said parts of Sublots Nos. 186 and 187 are bounded and described as follows:

Beginning at a point in the Northerly line of said Sublot No. 186, distant Easterly, measured along said Northerly line, 86.00 feet from the Northwesterly corner of said Sublot; thence Southerly parallel with the Westerly lines of said Sublots Nos. 186 and 187 a distance of 100.20 feet to a point in the Northerly line of Courtland Court, N.W., 20 feet wide; thence Easterly along the Northerly line of Courtland Court, N.W., which Northerly line is parallel with and 20.00 feet Northerly from the Southerly line of said Sublot No. 187, a distance of 28.00 feet; thence Northerly parallel with the Westerly lines of Sublots Nos. 187 and 186 a distance of 100.20 feet to a point in the Northerly line of said Sublot No. 186; thence Westerly along the Northerly line of said Sublot No. 186 a distance of 28.00 feet to the place of beginning, according to a survey by the Henry G. Reits Engineering Company, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

TOGETHER WITH AND SUBJECT TO all to the Rights of Way, Easements, Restrictions, Covenants and Conditions created or reserved for the benefit of the above described premises, or imposed upon said premises, in the Deed from Frank Link and Mary Link, husband and wife, to Gizella Teklits, married, dated August 13, 1924, filed for record September 10, 1924 and recorded in Volume 3201, Page 7 of Cuyahoga County Records.

P. P. No. 002-32-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 186 and 187 in Benedict and Root's Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Northerly line of Sublot No. 186, distant Easterly measured along said Northerly line, 58.00 feet from the Northwesterly corner of said Sublot; thence Southerly parallel with the Westerly line of said Sublot Nos. 186 and 187 a distance of 100.20 feet to a point in the Northerly line of Courtland court, proposed, 20 feet wide; thence Easterly along the Northerly line Courtland Court, proposed, which Northerly line is parallel with and 20.00 feet Northerly from the Southerly line of said Sublot No. 187, a distance of 28.00 feet; thence Northerly parallel with the Westerly line of Sublot Nos. 187 and 186 a distance of 100.00 feet to a point in the Northerly line of said Sublot No. 186; thence Westerly along the Northerly line of said

Sublot No. 186 a distance of 28.00 feet to the place of beginning, according to a survey by the Henry G. Reitz Engineering Company, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

P. P. No. 002-32-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 186 and 187 in Benedict and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and together bounded and described as follows:

Beginning at the Northwesterly corner of said Sublot No. 186; thence Southerly along the Westerly line of Sublot Nos. 186 and 187, a distance of 100.20 feet to a point in the Northerly line of Courtland Court, Northwest, 20 feet wide; thence Easterly along the Northerly line of Courtland Court, Northwest, which is parallel with and 20.00 feet Westerly from the Southerly line of said Sublot No. 187, a distance of 30.00 feet; thence Northerly parallel with the Westerly line of Sublot Nos. 187 and 186, a distance of 100.20 feet to a point the Northerly line of Sublot No. 186; thence Westerly along the Northerly line of Sublot No. 186, a distance of 30.00 feet to the place of beginning, according to the survey by Henry G. Reitz Engineering Company, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 333-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program, in an amount not to exceed \$65,000, payable from Fund No. 01-700401-638000, Request No. 136755.

Section 2. That the contract shall be prepared by the Director of Law and shall contain provisions that the Director of Law deems necessary to protect and benefit the public interest.

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 337-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Clerk of the Cleveland Municipal Court to enter into one or more contracts with ACS State & Local Solutions, Inc. for professional services necessary to process, collect, and enforce parking infraction tickets and judgments, for a period of two years.

Whereas, Section 4521.05(D) of Revised Code and Section 459.03(d) of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Clerk of the Cleveland Municipal Court, subject to the approval of this Council, to contract with any nongovernmental entity to provide services in processing, collecting, and enforcing parking infraction tickets and judgments; and

Whereas, the Clerk of the Cleveland Municipal Court conducted a request for proposals in which ACS State & Local Solutions, Inc. submitted the most favorable proposal; 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 Clerk of the Cleveland Municipal Court is hereby authorized to enter into one or more contracts with ACS State & Local Solutions, Inc. for professional services necessary to process, collect, and enforce parking infraction tickets on the basis of its proposal dated September 24, 2003. The contract shall have a term of two years commencing June 1, 2004. The contract shall be prepared by the Director of Law and shall be approved for legal form and correctness prior to its execution by the Clerk of the Cleveland Municipal Court. The contract shall state that it is subject to the validity of Chapter 4521 of the Ohio Revised Code and Chapter 459 of the Codified Ordinances of Cleveland, Ohio, 1976. The contracts or contracts shall be paid from the fund or funds appropriated for this purpose in budget year 2004, Request No. 143472.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 415-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain typewriters, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to maintain typewriters, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director

of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104782)

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 416-04.

By Council Member Jackson (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of exterminating services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104781)

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 419-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of salting and snowplowing parking lots, walkways, and sidewalks at City health centers, for the Division of Health, Department of Public Health, for a period not to exceed two years.

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

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

Section 1. That the Director of 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 of two years of the necessary items of salting and snowplowing parking lots, walkways, and sidewalks at City health centers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Health, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 133133)

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 420-04.

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, 2004.

Section 3. That the rent for the lease shall be a base rate of \$3,000 per month, exclusive of utilities. The City of Cleveland shall also pay 5.4% of the cost of the Common Area Maintenance expenses for 23500-23600 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. 143202.

Section 7. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions that the Director deems necessary to protect and benefit the interests of the City.

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.

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 422-04.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with State Industrial Products, Inc. to provide economic development assistance to partially finance building improvements to the property located at 3100 Hamilton Avenue, and all other associated costs to improve the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with State Industrial Products, Inc. to provide economic development assistance to partially finance building improvements to the property located at 3100 Hamilton Avenue, and all other associated costs to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 422-04-A.

Section 3. That the costs of the contract shall not exceed Two Hundred and Fifty Thousand Dollars (\$250,000), and shall be paid from Fund Nos. 17 SF 008 and 12 SF 954, which funds are appropriated for this purpose, Request No. 103612.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006 and 12 SF 958.

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

Section 7. That the Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 423-04.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with State Industrial Products, Inc. to provide for a ten-year, seventy-five percent tax abatement for certain tangible personal property as an incentive to remain competitive and to retain and create new jobs located at 3100 Hamilton Avenue in the Cleveland Area Enterprise Zone.

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

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

Whereas, State Industrial Products, Inc. (the "Enterprise") has proposed to retain and to create new jobs at their facility located at 3100 Hamilton Avenue in the Cleveland Area Enterprise Zone; and

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

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, seventy-five percent (75%) tax abatement for certain tangible personal property; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 423-04-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any

entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 466-04.
By Council Member Jackson (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of building materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104783)

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 468-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2380-02, passed December 16, 2002, relating to one or more professional consultants to prepare planning studies, for the various divisions of the Department of Port Control.

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

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

Section 1. That Section 1 of Ordinance No. 2380-02, passed December 16, 2002, is amended to read as follows:

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare planning studies, for the various divisions of the Department of Port Control.

The selection of the consultants for the services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling the 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 Port Control, and certified by the Director of Finance. The contract or contracts authorized shall be prepared by the Director of Law and shall be for a term or terms of two years with each contract entered into under this ordinance having one option to renewal for an additional term or terms of two years. No contract shall have a term longer than four years in total, consisting of the initial two-year term and a single two-year option to renew. The Director of Port Control will notify the Clerk of Council and the Chair of the Aviation Committee whenever an option to renew has been exercised.

Section 2. That Section 1 of Ordinance No. 2380-02, passed December 16, 2002, is repealed.

Section 3. That this ordinance is declared to be an emergency mea-

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 469-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with The McLean Co. for Wirtgen milling machine and equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within services are non-competitive and cannot be secured from any source other than The McLean Co. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with The McLean Co. for the period of one or two years for the necessary items of Wirtgen milling machine and equipment parts, including labor if necessary, in approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130249)

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 470-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various vehicle and equipment parts, repairs, or services, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130248)

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 472-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an

agreement with the Polish-American Cultural Center to loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz for display at the Polish Cultural Museum for a period not to exceed two years.

Whereas, the City of Cleveland owns three plaster casts of Chopin, Siemkiewicz, and Mickiewicz, which are currently in storage at the Cleveland Convention Center; and

Whereas, the Polish-American Cultural Center has requested that the City loan these plaster casts for exhibition at the Polish Cultural Museum located at the corner of East 65th and Lansing Avenue; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Polish-American Cultural Center to loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz for display at the Polish Cultural Museum for a period not to exceed two years. The agreement shall be prepared by the Director of Law and shall contain any additional terms and conditions that are necessary to protect and benefit the interests of the City.

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 480-04.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into an amendment to Contract No. 61630 with Integrated Consulting Services, Ltd. to provide additional workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources.

Whereas, this ordinance constitutes an emergency measure providing for 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 an amendment to Contract No. 61630 with Integrated Consulting Services, Ltd. to provide additional workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources for a period ending December 31, 2004. All other terms and conditions contained the original loan shall remain the same.

Section 2. That the cost of the amendment shall not exceed \$250,000 and shall be paid from Fund No. 01-999800-632000, Request No. 107543.

Section 3. That the amendment shall be prepared by the Director of Law and shall contain additional provisions that the Director of Law deems necessary to protect and benefit the public interest.

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 481-04.

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

An emergency ordinance to amend Section 2 of Ordinance No. 2239-03, passed December 15, 2003, relating to the Director of Personnel and Human Resources to enter into one or more contracts with Recovery Resources to provide services relating to the Employee Assistance 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 Section 2 of Ordinance No. 2239-03, passed December 15, 2003, is amended to read as follows:

Section 2. That the cost of the contract or contracts shall be paid from Fund Nos. 01-040201-632000, 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds appropriated for this purpose in budget year 2004, Request No. 107551.

Section 2. That existing Section 2 of Ordinance No. 2239-03, passed December 15, 2003, is repealed.

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 483-04.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation of a brownfield site from the Wheeling and Lake Erie Railroad right-of-way starting with East 49th Street and ending at Jones Road for future redevelopment; and authorizing the Director to enter into one or more contracts with Slavic Village Development to implement the project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$680,000, from the Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation of a 13.8 acre brownfield site comprised of contiguous parcels from the Wheeling and Lake Erie Railroad right-of-way, starting at East 49th Street and ending at Jones Road for future redevelopment, as described in the summary for the grant contained in the file described below. That the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 483-04-A, made a part as if fully rewritten, is approved in all respects.

Section 3. That the Director of Economic Development is authorized to enter into one or more contracts with Slavic Village Development to implement the remediation project as described in the summary.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 485-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Kamm's Corners Development Corporation to provide economic development assistance to partially finance a facade renovation project at the Warren Village Shopping Center in the Westpark neighborhood.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Kamm's Corners Development Corporation to provide economic development assistance to partially finance a facade renovation project at the Warren Village Shopping Center in the Westpark neighborhood.

Section 2. That the costs of the grant shall not exceed \$55,000 and shall be paid from Fund No. 17 SF 652, Request No. 103614.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 530-04.

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to the State of Ohio for the cost of rehabilitation and reconstruction of the West 3rd Street vertical lift bridge over the Cuyahoga River.

Whereas, in Ordinance No. 823-79, passed June 11, 1979, this Council gave consent to the Director of Transportation, State of Ohio for the rehabilitation and reconstruction of the West 3rd Street vertical lift bridge over the Cuyahoga River; and

Whereas, this Council authorized the City to cooperate with the State of Ohio in the cost of the improvement; and

Whereas, the City's share of the cost of the improvement is approximately \$4,598,000; and

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

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

Section 1. That this Council authorizes payment to the State of Ohio of the City's share of the rehabilitation and reconstruction of the West 3rd Street vertical lift bridge over the Cuyahoga River from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request No. 147535.

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

Passed April 26, 2004.
Effective April 27, 2004.

Ord. No. 538-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with The Catholic Charities Facilities Corporation, or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the redevelopment of Kirby Manor at 11500 Detroit Avenue.

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

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

Section 1. That the Director of Community Development is authorized to enter into a Community Development Block Grant Float Loan Agreement with The Catholic Charities Facilities Corporation, or its designee, to provide financial assistance to partially finance the redevelopment of Kirby Manor at 11500 Detroit Avenue.

Section 2. That the terms of the loan shall be determined by the Director of Community Development in accordance with Federal regulations, State and local laws, and the director is authorized to amend the terms, from time to time, as the director deems necessary to remain consistent with the laws and regulations.

Section 3. That the aggregate cost of the agreement shall not exceed Five Million Dollars (\$5,000,000) and shall be paid from Fund No. 14 SF 810, Request No. 125758.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of the loan.

Section 5. That the Director of Community Development is authorized to accept collateral as the director deems adequate in order to secure repayment of the loan. Any and all security instrument agreements or other agreements shall be prepared and approved by the Director of Law.

Section 6. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

Section 7. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of the loan application, closing, and servicing of the loan.

Section 8. That the Director of Law is authorized to prepare the contract and any other documents as may be appropriate to complete the transactions.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 544-04.**By Council Member Lewis.**

An ordinance to change the zoning of parcels along Hough Avenue between East 66th Street and East 71st Street from Local Retail Business Use Districts to Single Family Residential Use Districts and a Multi-Family Residential Use District; from "B," "C," and "D" Area Districts to "A" and "C" Area Districts and from "2" Height Districts to "1" Height Districts (Map Change No. 2121, Sheet No. 5).

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

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

East 66th Street (60 feet wide);

Thence Northerly along the Centerline of said East 66th Street to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 1 of the W.J. Kinnard's Re-allotment as shown by the recorded plat in Volume 5, Page 28 of the Cuyahoga County Records;

Thence Easterly along the Westerly prolongation and Northerly line of said Sublot No. 1 to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 1 and its Southerly prolongation to its Intersection with the Centerline of said Hough Avenue;

Thence Easterly along the Centerline of said Hough Avenue to its Intersection with the Northerly prolongation of the Easterly line of Sublot No. 35 of Stevens & Cass Subdivision as shown by the recorded plat in Volume 15, Page 12 of the Cuyahoga County Records;

Thence Southerly along the Northerly prolongation and Easterly line of said Sublot No. 35 to the Southeasterly corner thereof;

Thence Westerly along the Southerly line of said Sublot No. 35 and continuing Westerly along the Southerly line and Westerly prolongation of Sublot No. 31 of said Subdivision to its Intersection with the Centerline of said East 66th Street;

Thence Northerly along the Centerline of said East 66th Street to its Intersection with the Centerline of Hough Avenue, as aforesaid, and the place of beginning,

and as outlined and shaded on the attached map is changed to a Single-Family

Residential Use District, to an "A" Area District, and to a "1" Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2121, Sheet No. 1, 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 3. That the Use, Area, and Height Districts of lands bounded and described as follows:

Beginning on the Centerline of Hough Avenue (60 feet wide) at its Intersection with the Southerly prolongation of the Westerly line of a parcel of land conveyed to Joann Arki by Instrument dated September 12, 2003, recorded by A.F.N. 200309120388 of the Cuyahoga County Records and also known as being P.P.N. 106-15-040;

Thence Northerly along the Southerly prolongation and Westerly line of said parcel to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said parcel and continuing Easterly along the Northerly line and Easterly prolongation of a parcel of land conveyed to Arthur James Cromity by Instrument dated June 29, 1988, recorded in Volume 83125, Page 49 of the Cuyahoga County Records and also known as being P.P.N. 106-15-097 to its Intersection with the Centerline of East 70th Street (60 feet wide);

Thence Southerly along the Centerline of said East 70th Street to its Intersection with the Centerline of Hough Avenue, as aforesaid;

Thence Westerly along the Centerline of said Hough Avenue to the place of beginning,

and as outlined and shaded on the attached map is changed to a Single-Family Residential Use District, to an "A" Area District, and to a "1" Height District.

Section 4. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2121, Sheet No. 1, 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 5. That the Use, Area, and Height Districts of lands bounded and described as follows:

Beginning on the Centerline of East 70th Street (60 feet wide) at its Intersection with the Westerly prolongation and the Northerly line of a parcel of land conveyed to GLS Capital Cuyahoga, Inc. by Instrument dated January 14, 2004, recorded by A.F.N. 200401140768 of the Cuyahoga County Records, and also known as being P.P.N. 106-15-039;

Thence Easterly along the Westerly prolongation and Northerly line of said parcel to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said parcel to its Intersection with the Centerline of Hough Avenue (60 feet);

Thence Easterly along the Centerline of said Hough Avenue to its Intersection with the Northerly prolongation and Easterly line of a parcel of land conveyed to Benjamin Stovall by Instrument dated September 19, 1974, and also known as being P.P.N. 118-07-114;

Thence Southerly along the Northerly prolongation and Easterly line of said parcel to the Southeasterly corner thereof;

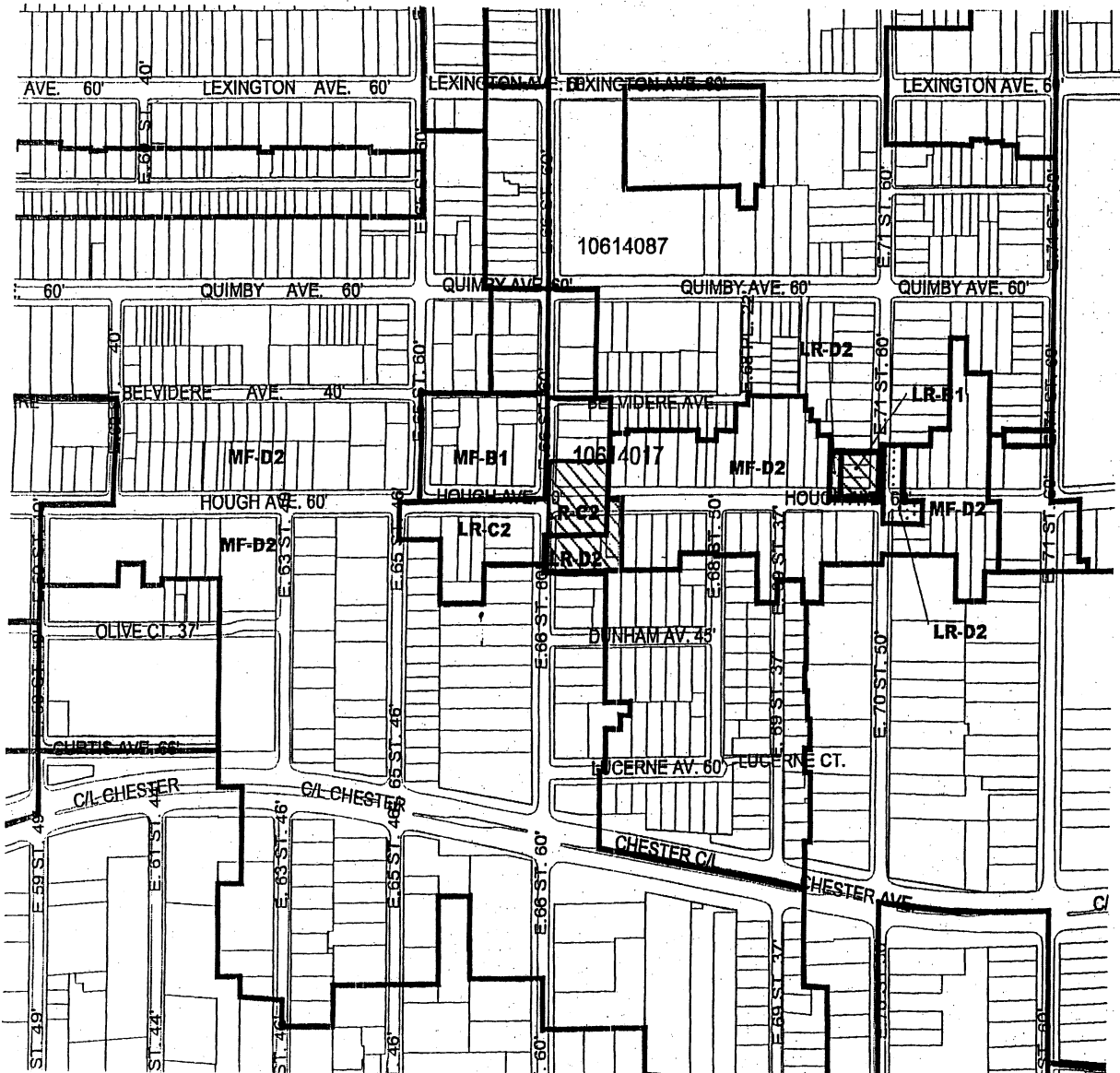
Thence Westerly along the Southerly line and Westerly prolongation of said parcel to its Intersection with the Centerline of East 70th Street, as aforesaid;

Thence Northerly along the Centerline of said East 70th Street to the place of beginning, and as outlined and shaded on the amended map is changed to a Multi-Family Residential Use District, to a "C" Area District, and to a "1" Height District.

Section 6. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2121, Sheet No. 1, 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 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Proposed zoning change of parcels along Hough Avenue from Local Retail Business Use Districts to Single Family Residential Use Districts and a Multi-Family Residential Use District and from "B"; "C"; and "D" Area Districts to "A" Area Districts and from "2" Height Districts to "1" Height Districts.



Passed April 26, 2004.
Effective June 5, 2004.

**Ord. No. 573-04.
By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Holland & Knight LLP for Washington lobbying services for the City of Cleveland.

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

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

Section 1. That the Director of Finance is authorized to enter into an agreement with Holland & Knight LLP for Washington lobbying services for the City of Cleveland, for the approximate sum of \$120,000, and a period not to exceed one year, payable from Fund No. 01-999800-632000, Request No. 146206.

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

Passed April 26, 2004.
Effective April 30, 2004.

**Ord. No. 575-04.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of the transfer and disposal of tires in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years

instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130444)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____
(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

_____. For the payment of the penal sum well

and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this day of _____, 20____

PRINCIPAL: SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS:

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

Passed April 26, 2004. Effective April 30, 2004.

Ord. No. 576-04.

By Council Members Westbrook and Jackson (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into amendments to the Master Leases with various airlines at Cleveland Hopkins International Airport to modify the leased premises of the affected airlines.

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

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

Section 1. That the Director of Port Control is authorized to enter into amendments to the contracts listed below between the City of Cleveland and various airlines at Cleveland Hopkins International Airport to modify the amount of each airlines' leased premises to the areas and approximate square footage described in File No. 576-04-A; provided, however, that modifications shall be within ten percent (10%) of the square footage described in the file. All other terms and conditions contained in the original agreements shall remain the same.

Contract No. Airline

- 55337 Air Canada
- 31083 American Airlines, Inc.
- 38171 Continental Airlines, Inc.
- 30883 Delta Air Lines, Inc.
- 31263 Northwest Airlines, Inc.
- 46540 Southwest Airlines Co.
- 28672 US Airways, Inc.
(successor-in-interest to Allegheny Airlines, Inc.)
- 31262 United Air Lines, Inc.

Section 2. That the amendments shall be effective January 1, 2004, be prepared by the Director of Law, and contain other terms and conditions that the Director of Law deems necessary to protect and benefit the public interest.

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

Passed April 26, 2004. Effective April 30, 2004.

Ord. No. 577-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

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

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130444)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address) as Principal and _____

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal

has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS:

Street _____

City _____ State _____ ZIP _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City _____ State _____ ZIP _____

"Exhibit A"

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 582-04.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, relating to a requirement contract of various plumbing and heating equipment and supplies, including related materials and supplies, for the Department of Parks, Recreation and Properties, for a period of three years.

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

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

Section 1. That Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, is amended to read as follows:

Section 2. That the cost of said contract shall not exceed \$370,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21709)

Section 2. That Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, is repealed.

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

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 714-04.
By Council Member Cintron.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Barber Avenue to Breyerwood Homes LLC.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-023 as more fully described below, to Breyerwood Homes LLC.

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

P. P. No. 007-23-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Sublots Nos. 12, 13 and 14 in Barber and McCrosky's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records. Said part of Sublot No. 27 is bounded and described as follows:

Beginning at the Southeasterly corner of said Sublot No. 27, said point being also the intersection of the Northerly line of Barber Avenue, S.W. with the Westerly line of West 30th Street (formerly Mill Street), thence Westerly along the Northerly line of Barber Avenue, S.W., 50 feet to a point therein; thence Northerly at right angles to said Northerly line of Barber Avenue, S.W. to a point in the Westerly line of West 30th Street; thence Southerly along the Westerly line of West 30th Street to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-024 as

more fully described below to Breyerwood Homes LLC.

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

P. P. No. 007-23-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 50 feet of the Westerly 55 feet of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Barber Avenue, S.W. and extending back at right angles therewith between parallel lines to the Southeastery line of Joy Court, S.W., (16 feet wide) and to the Southwesterly line of West 30th Street (50 feet wide) and having an irregular rear line, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-026 as more fully described below, to Breyerwood Homes LLC.

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

P. P. No. 007-23-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet front of Sublot No. 25 in McGregor and Rhodes Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W. at its point of intersection with the Westerly line of a 10 foot alley which point is also the Southeastery corner of Sublot No. 25; thence Northerly along the Easterly line of said Sublot No. 25 and the Westerly line of said alley 120 feet to a point; thence Northwesterly along the Northeastery line of said Sublot to a point in the Southerly line of Joy Alley (16 feet wide) thence Westerly along the Northerly line of said Sublot and the Southerly line of Joy Alley 25 feet to a point 10 feet Easterly from the Westerly line of said Sublot; thence Southerly parallel to the Westerly line of said Sublot 125 feet to a point in the Northerly line of Barber Avenue S.W. 10 feet Easterly from the Westerly line of said Sublot; thence Easterly along the Northerly line of Barber Avenue S.W. 30 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-031 as more fully described, to Breyerwood Homes LLC.

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

P. P. No. 007-23-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 22 in the McGregor and Rhodes Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W., at a point distant 26 feet Easterly measured along said Northerly line from the Southwesterly corner of said Sublot No. 22; thence Westerly along the Northerly line of Barber Avenue, S.W., 24 feet; thence Northerly 125 feet to the Northwesterly corner of Sublot No. 22; thence Easterly along the Southerly line of Joy Court, S.W., about 25 feet 6 inches to the Northwesterly corner of land conveyed to Josephine W. Geraldine by deed recorded in Volume 2873, Page 634; thence Southerly in a direct line, 125 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-032 as more fully described below, to Breyerwood Homes LLC.

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

P. P. No. 007-23-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 21 and 22 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point 2 feet East of the Southeastery corner of said Sublot No. 21 on Barber Avenue, S.W., thence Northerly 125 feet to a point in the Northerly line of said Sublot No. 21, 6 inches Westerly of the Northeastery corner of said lot; thence Westerly along said line, 32 feet to the Northeastery corner of land conveyed to William Meyers; thence Southerly along said Meyer's Easterly line, 125 feet to the Northerly line of Barber Avenue, S.E., thence Easterly along the Northerly line of said Barber Avenue, S.W., 32 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-033 as

more fully described below, to Breyerwood Homes LLC.

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

P. P. No. 007-23-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 20 and 21 in A.M. McGregor's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W., distant 60 feet Easterly from its intersection with the Easterly line of West 32nd Place (formerly Bohn Court); thence Easterly along the Northerly line of Barber Avenue, 30 feet; thence Northerly, parallel with the Easterly line of West 32nd Place, about 125 feet to the Northerly line of Sublot No. 21, thence Westerly along the Northerly line of Sublot Nos. 21 and 20, which is also the Southerly line of Jay Court, S.W., 30 feet thence Southerly about 125 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 715-04.**By Council Member Conwell.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation for the Home Expo Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Northeastern Neighborhood Development Corporation for the Home Expo Program for the public purpose of educating Cleveland residents on housing assistance and improvement programs that are available in the City of Cleveland, through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,600 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 April 26, 2004.
Effective April 30, 2004.

Ord. No. 716-04.**By Council Member White.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Moore Faith Ministries for the Performing Arts Education Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective February 1, 2004 to June 30, 2004 with Moore Faith Ministries for the Performing Arts Education Program for the public purpose of providing after school performing arts education activities for Cleveland public school students 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 \$12,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 717-04.**By Council Member White.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Urban League of Greater Cleveland for the Enterprise Educational Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective May 17, 2004 to May 31, 2005 with the Urban League of Greater Cleveland for the Enterprise Educational Program for the public purpose of providing after school education to Cleveland public school students 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 \$21,000 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 April 26, 2004.
Effective April 30, 2004.

Ord. No. 718-04.**By Council Member Jackson.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Paul Missionary Baptist Church to stretch one (1) banner at East 79th Street & Kinsman (Pole No. 4825 & Pole No. 539-449) for the period from May 14, 2004 to June 14, 2004, inclusive, publicizing St. Paul Missionary Baptist Church 75th 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 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 St. Paul Missionary Baptist Church to install, maintain and remove one banner at East 79th Street and Kinsman (Pole No. 4825 & Pole No. 539-449), for a period from May 14, 2004 to June 14, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 26, 2004.
Effective April 30, 2004.

Ord. No. 719-04.**By Council Members Britt, Conwell and Pierce Scott.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with University Circle Incorporated for the Parade the Circle Celebration through the use of Wards 6, 8, and 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective June 1, 2003 to December 31, 2004 with University Circle Incorporated for the Parade the Circle Celebration program for the public purpose of providing arts education and other educational activities to Cleveland residents through the use of Wards 6, 8 and 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 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 April 26, 2004.

Effective April 30, 2004.

Ord. No. 724-04.

By Council Member Lewis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to New Day In Hough Committee to stretch banners at southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester for the period from April 26, 2004 to May 9, 2004, inclusive, publicizing the New Day In Hough.

Whereas, this ordinance constitutes an emergency measure providing for 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 New Day In Hough Committee to install, maintain and remove banners at the southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester, for a period from April 26, 2004 to May 9, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 26, 2004.

Effective April 30, 2004.

Ord. No. 725-04.

By Council Member Lewis.

An emergency ordinance consenting and approving the issuance of a permit for the New Day In Hough Walk, Race and Parade, on May 8, 2004 sponsored by the New Day In Hough Committee.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this

Council consents to and approves the holding of a Walk, Race and Parade sponsored by the New Day In Hough Committee on May 8, 2004, assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to East 79th Street, north on East 79th Street to Lexington, west on Lexington to East 66th Street, south on East 66th Street to Hough, east on Hough to Thurgood Marshall and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue to East 71st Street, north on East 71st Street to Linwood, east on Linwood to East 79th Street, south on East 79th Street to Hough Avenue, east on Hough Avenue to Thurgood Marshall, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 26, 2004.

Effective April 30, 2004.

REPRINT

Ord. No. 317-04.

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

An emergency ordinance authorizing the Director of Finance to enter into contract with HealthServe, LLC to provide professional services necessary to invoice and collect fees for the costs of the Division of Fire responding to motor vehicle accidents in accordance with a schedule of fees to be established by the Director of Public Safety with approval of the Board of Control, and authorizing the Directors of Finance and Public Safety to establish policies and procedures to implement this program.

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

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

Section 1. That the Director of Finance is authorized to enter into contract with HealthServe, LLC to provide professional services necessary to invoice and collect the fees established under Section 3 for the costs of the Division of Fire responding to motor vehicle collisions and incidents. The term of the contract shall be for a period of not to exceed five years.

Section 2. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements

using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts and may enter into contract with the vendors selected through that cooperative process.

Section 3. That any contract entered into under the authority of Section 1 or Section 2 shall contain such terms and conditions as necessary, in the opinion of the Director of Finance or the Director of Law, to protect the interests of the City.

Section 4. That the Director of Public Safety is authorized to establish a schedule of fees with approval of the Board of Control to be charged to the person(s) responsible for a motor vehicle collision or incident, or their insurance carrier(s), when the Division of Fire responds to the scene. The fees shall not exceed the actual costs to Division of Fire of the responding to the scene.

Section 5. That the Directors of Finance and Public Safety may establish billing procedures and policies to carry out the purposes of this legislation.

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

Passed April 19, 2004.

Effective April 26, 2004.

COUNCIL COMMITTEE MEETINGS

**Monday, May 3, 2004
11:00 a.m.**

Public Service Committee: Present in Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady, Johnson.

2:00 p.m.

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

**Tuesday, May 4, 2004
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Coats, Reed, Pierce Scott, Jones, Lewis, Zone, Cintron.

1:30 p.m.

Legislation Committee: Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Gordon, Westbrook. *Authorized Absence:* Johnson, Rybka.

**Wednesday, May 5, 2004
1:30 p.m.**

Public Utilities Committee: Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Jones, Polensek, Sweeney, Zone, Cintron. *Authorized Absence:* Westbrook.

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Hough Ave. (parcels) — between E. 65th St. & E. 71st St. — change the zoning — Single
Family Residential Use District — Multi-Family Residential Use District — “A” Area
Districts — “1” Height Districts (O 544-04) **815**
W. 79th St. — between Ferrell Ave. & Madison Ave. — change the zoning — Multi-Family
Residential Use District — Parking District — “E” Area (O 215-A-04)..... **805-R**