

The City Record

Official Publication of the Council of the City of Cleveland



June the Fifteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Emily Lipovan Holan	4579 South Hills Drive	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

Teresa M. Beasley; Councilman Martin J. Sweeney.

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

Director Julius Ciaccia; Council President Frank G. Jackson.

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

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

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

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

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

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

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

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, JUNE 15, 2005

No. 4775

CITY COUNCIL

MONDAY, JUNE 13, 2005

The City Record

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

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

The following measures will be on
their final passage at the next meet-
ing:

NONE

BOARD OF CONTROL

June 8, 2005

The regular meeting of the Board
of Control convened in the Mayor's
office on Wednesday, June 8, 2005,
at 10:33 a.m. with Mayor Campbell
presiding.

Present: Mayor Campbell, Acting
Director Horvath, Director Baker,
Acting Director O'Malley, Directors
Mok, Ricchiuto, Carroll, Acting
Director Pettus, Directors Ronayne,
Rush, Routen and Williams.

Absent: Directors Huth, Fumich
and Taylor.

Others: Jim Hardy, Commissioner,
Purchases and Supplies.

Collette Appolito, Director, Office
of Equal Opportunity.

On motions, the following resolu-
tions were adopted, except as may
be otherwise noted:

Resolution No. 294-05.

By Director Baker.

Resolved by the Board of Control
of the City of Cleveland, that under
Section 101 of the Charter, Section
181.19 of the Codified Ordinances of
Cleveland, Ohio, 1976, and Resolu-
tion No. 921-52, adopted by the Board
of Control on November 26, 1952, the
report of the Commissioner of Pur-
chases and Supplies for the sale of
scrap, personal property, and by-
products during the month of April,
2005 in the amount of \$6,010.91,
attached and made a part of this
resolution, is received, approved and
ordered filed.

Yeas: Mayor Campbell, Acting
Director Horvath, Director Baker,
Acting Director O'Malley, Directors
Mok, Ricchiuto, Carroll, Acting
Director Pettus, Directors Ronayne,
Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich
and Taylor.

Resolution No. 295-05.

By Director Baker.

Resolved by the Board of Control
of the City of Cleveland, that under
Section 101 of the Charter, Section
181.19 of the Codified Ordinances of
Cleveland, Ohio, 1976, and Resolu-
tion No. 921-52, adopted by the Board
of Control on November 26, 1952, the
report of the Commissioner of Pur-
chases and Supplies for the sale of
scrap, personal property, and by-
products during the month of May,
2005 in the amount of \$54,395.45,
attached and made a part of this
resolution, is received, approved and
ordered filed.

Yeas: Mayor Campbell, Acting
Director Horvath, Director Baker,
Acting Director O'Malley, Directors
Mok, Ricchiuto, Carroll, Acting
Director Pettus, Directors Ronayne,
Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich
and Taylor.

Resolution No. 296-05.

By Director Baker.

Whereas, Board of Control Resolu-
tion No. 212-05, adopted May 4,
2005, authorizing the Director of
Finance to enter into contract with
Consolidated Electrical Distribu-
tors, Inc. dba Leader Electric Sup-
ply Co., for an estimated quantity

of lamps, for various divisions of City government, Department of Finance; and

Whereas, Resolution No. 212-05 incorrectly identified the Base Requisition amount; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 21205, adopted May 4, 2005, approving the bid of Consolidated Electrical Distributors, Inc. dba Leader Electric Supply Co. as lowest and best for an estimated quantity of lamps is amended by substituting "\$7,500.00" for "seventy five thousand dollars (\$75,000.00)" as the Base Requisition amount, where appearing in the resolution.

Be it further resolved that all other terms of Resolution No. 212-05 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 297-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 842-04, passed by the Council of the City of Cleveland on June 7, 2004, DLZ Ohio, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract for professional services necessary to provide engineering, design, water quality-assessments and analysis, environmental, safety, forensic, and other services needed, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with DLZ Ohio, Inc. based upon its proposal dated December 10, 2004, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$2,832,398.50, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by DLZ Ohio, Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u>	<u>WORK</u>
Polytech, Inc. (MBE)	12.99%	\$367,958.50
Prime Engineering & Architecture, Inc. (MBE)	3.19%	\$ 90,245.00
Sigma Associates, Inc. (FBE)	2.78%	\$ 78,748.00

Cleveland City Blue Print (FBE)	.88%	\$ 25,000.00
K S Associates, Inc.	2.83%	\$ 80,230.00
Burgess & Niple, Ltd.	18.35%	\$519,700.00
Spalding DeDecker Associates, Inc.	1.67%	\$ 47,255.50

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 298-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 263-05, adopted by the Board on May 25, 2005, approving Nationwide Fence & Supply for labor and materials necessary for fence installation and/or repairs, item nos. 1 thru 53, is amended by deleting the REQUISITION NO. "153638" and substituting the REQUISITION NO. "153656".

Be it further resolved that all other provisions of Resolution No. 263-05 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 299-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of South East Harley Davidson Sales Co. for an estimated quantity of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on April 15, 2005, under the authority of Ordinance No. 924-04, passed by the Council of the City of Cleveland on August 11, 2004, which on the basis of the estimated quantity would amount to \$140,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154180 which shall be certified against the contract in the sum of \$40,000.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or

less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 300-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Ganley Chrysler Jeep, Inc. for an estimated quantity of Daimler Chrysler parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on April 27, 2005, under the authority of Ordinance No. 776-04, passed by the Council of the City of Cleveland on May 17, 2004, which on the basis of the estimated quantity would amount to \$50,000.00 (5% 15 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154185 which shall be certified against the contract in the sum of \$20,000.00.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 301-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Kurtz Brothers, Inc. for an estimated quantity of disposal of construction and demolition debris, item 1, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 6, 2005 pursuant to the authority of Ordinance No. 363-05 passed March 28, 2005, which on the basis of the estimated quantity would amount to approximately seventy four thousand seven hundred and no/100 Dollars (\$74,550.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the

immediate purchase as the initial amount of such contract of the following:

Requisition No. 130551 which shall be certified against such contract in the sum of fifteen thousand and no/100 Dollars (\$15,000.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 302-05.

By Director Watson.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial number listed to the right of the respective officer's name:

Serial No.	
Cynthia Adkins	9MM, 5946 TDP8546
Douglas Anderson	9MM, 5943 VJN7473
Mathew Baeppler	9MM, 5946 TDV5105
Douglas Balogh	9MM, 5946 VJD4685
Charles Bartlebaugh	9MM, 5946 TDN6970
Donny Bettis	9MM, 5946 TDN7002
Rosa Bonnilla	9MM, 5946 TDN7009
Andre Cisco	9MM, 5943 TFK5041
Michael Connelly	9MM, 5946 TDN7031
Linda Cook	9MM, 5943 TVB0346
Gregory Cornett	9MM, 5943 TVB0330
Gerald Crayton	9MM, 5943 TFR3555
Randolph Daley	9MM, 5943 VHM0387
Tony Desciscio	9MM, 5943 THA0696
Craig Downing	9MM, 5946 VJD4619
Elaine Evans	9MM, 5943 TYR6067
Gregory Farmer	9MM, 5946 VJD4932
David Gibson	9MM, 5946 VJC9423
Nathan Gobel	9MM, 5946 TDP8541
Philip Habeeb	9MM, 5946 VJD4658
David Hamilton	9MM, 5943 VAK6310
Michael Herrin	9MM, 5946 TDN6965
Donnie Hooks	9MM, 5943 THA0753
Elliott Hooper	9MM, 5903 TCZ2292
Chris Howard	9MM, 5946 TDP8531
Dennis Ivey	9MM, 5946 TDN6966
William Johnson	9MM, 5943 TVA6950
Anthony Karohl-McMahan	9MM, 5943 VDM7353
Joseph Kean	9MM, 5943 TFK5147
Thomas Klamert	9MM, 5943 VJN7480
Van Kremperger	9MM, 5946 TDN7010
Rico Levert	9MM, 5946 TDP8527
Wayne Maurer	9MM, 5943 TYR6080
Timothy Mayer	9MM, 5943 TFK5068
David Mellinger	9MM, 5943 TFK4886
James Merritt	9MM, 5943 VJN7478
Charles Moten	9MM, 5946 TDP8597
Vasile Nan	9MM, 5946 TDN6951
Bernie Norman	9MM, 5943 TFK5079
Dymphna O'Neill	9MM, 5943 VAK5388
Bruce Peace	9MM, 5943 VYY5236
Michael Quinn	9MM, 5943 TFK5024

Jody Remington	9MM, 5943 VAK6301
Michael Richardson	9MM, 5946 VJD4686
Timothy Richardson	9MM, 5943 TYR6165
Donald Rupanovic	Glock 19 FUF616
Joseph Rutkowski	9MM, 5946 TDN6973
Michael Rybarczyk	9MM, 5943 TFK5351
Michael Shay	9MM, 5943 VYY5905
Stevern Smith	9MM, 5943 TFL6761
James Szucs	9MM, 5943 VHN9248
Thomas Tintelnot	9MM, 5943 VHN9188
Brian Todd	9MM, 5946 TDP8564
William Underwood	9MM, 5943 VJN7477
Rochelle Waddell	9MM, 5946 TDP8583
Carl Walker	9MM, 5906 TCY5092
David Walter	9MM, 5943 VAK6322
Michael Ward	9MM, 5946 VJD4654
Calvin Williams	9MM, 6906 TCV3102
Michael Williams	9MM, 5946 TDP8554
Dan Zola	9MM, 5943 VJN7452

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 303-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 008-13-055 located at Buhler Avenue in Ward 13; and

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

Whereas, Tremont West Development Corporation or designee, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Tremont West Development Corporation or designee for the sale and development of Permanent Parcel No. 008-13-055

located at Buhler Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 304-05.

By Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Maytag Services LLC, dba Hoover Sales and Service for the purchase of vacuum cleaners and supplies for distribution to eligible Cleveland and Cuyahoga County Citizens by the Division of Environment, Department of Public Health for the period of one year beginning with the date of execution of the contract under Ordinance No. 229-05, passed by the Cleveland City Council on March 7, 2005, which on the basis of the estimated quantity would amount to \$25,389.00, is affirmed and approved as the lowest and best bid for items listed on Schedule of Items 1B and the Director of Public Health is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase of such contract of the following:

Requisition No. 152893 which shall be certified against such contract in the sum of \$27,835.07.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

Resolution No. 305-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Nerone & Sons, for the public improvement of Bump Taylor Football Field Site Improvements, for Base Bid Items 1 - 25, Add Alternate Item AA1 and Add Alternate Item AA3 for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on May 25, 2005, under the authority of Ordinance No. 278-05, passed on March 21, 2005, upon a unit basis for the improvement in the aggregate amount of \$735,363.97, is affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized, after the Cleveland

Municipal School District first executes a lease of the property to the City granting sufficient site control to construct and maintain the public improvement, to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Nerone & Sons for the abovementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
ProGrass LLC	\$140,000.00 19.04%
Granger Trucking (MBE)	\$ 60,000.00 8.15%
Ballast Fence (FBE)	\$ 27,500.00 3.74%
Tech Ready Mix (MBE)	\$ 7,500.00 1.02%
Julian Supply (FBE)	\$ 3,000.00 0.41%
Caver Brothers (MBE)	\$ 1,500.00 0.20%

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Huth, Fumich and Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 27, 2005

9:30 A.M.

Calendar No. 05-125: 1455 East 185th Street (Ward 11)

E-Poch Properties LLC, owner, and Sansai Environmental Technologies, Inc., lessee, through their legal counsel, Ken Silliman, appeal under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision to deny the application to establish use to manufacture soil products in an existing 659' x 700' former factory manufacturing building, situated on acreage located in split zoning between a B1 Residence Industry District and a B3 General Industry District on the east side of East 185th Street at 1455 East 185th Street; that as determined by the Zoning Administrator of Building and Housing, the proposed use is contrary to Sections 345.02 and Sections 345.04(c)(2)(G) of the Zoning Code, wherein fertilizer manufacture from organic matter is not a permitted use in a Residence Industry District and is, specifically, prohibited in a General Industry District.

Calendar No. 05-142: 15010 Sunview Avenue (Ward 1)

Leviticus Bible Missionary Baptist Church, owner, and Pastor Williams appeal to construct a 35' x 45' one-story addition to an existing church building, situated on a 120' x 100' corner lot located in split zoning between a Local Retail Business District and a Two-Family District on the southwest corner of Sunview Avenue and East 151st Street at 15010 Sunview Avenue; the proposed addition is subject to Section 337.03 and by reference as regulated in Section 337.02(e)(1), a church building and accessory uses are permitted, if located not less than 15' from any adjoining premises in a Residence District not used for a similar purpose and as proposed, the addition is partially situated in a Two-Family District.

Calendar No. 05-143: 11812 Kinsman Road (Ward 3)

Arthur Doxey, owner, appeals to construct a new parking lot on a 42' x 115' lot in a B1 Two-Family District on the south side of Kinsman Road at 11812 Kinsman Road; contrary to Section 337.03, the parking lot is not permitted in a Two-Family District but first allowed in a General Retail Business District; and Section 352.09 requires a 10' wide transition strip where none is proposed at both sides and at the rear of the lot, abutting the Two-Family District; and a driveway must be 15' from the property line when it abuts another driveway on an adjacent lot, according to Section 343.18(c) of the Codified Ordinances; and new parking lot construction requires an approval from City Divisions of Water Pollution Control, Traffic, Engineering and Construction.

Calendar No. 05-144: 2149 West 6th Street (Ward 13)

Frank Delaney, owner, appeals to erect a 2,400 s/f single family dwelling, proposed to be situated on a 2,500 s/f lot in a B1 Multi-Family District on the east side of West 6th Street at 2149 West 6th Street; contrary to Section 355.04, a square foot gross floor area of 2,400 s/f is proposed, and the maximum gross floor area in a "B" Area District may not exceed one-half of the lot area, or 1,250 s/f; and contrary to Sections 357.09(a)(2)(A), the aggregate width of side yards shall be not less than one-half the height of the main building but in no case, less than 10' and the interior side yards proposed measure 2' and 3' or a total of 5' from a main building on an adjoining lot.

Calendar No. 05-145: 2135 West 6th Street (Ward 13)

Mary Delaney, owner, appeals to erect a 2,400 s/f single family dwelling, proposed to be situated on a 2,500 s/f lot in a B1 Multi-Family District on the east side of West 6th Street at 2135 West 6th Street; contrary to Section 355.04, a square foot gross floor area of 2,400 s/f is proposed, and the maximum gross floor area in a "B" Area District may not exceed one-half of the lot area, or 1,250 s/f; and contrary to Sections 357.09(a)(2)(A), the aggregate width of side yards shall be not less than one-half of the height of the main building but in no case, less than 10' and the interior side yards proposed measure 2' and 3' or a total of 5' from a main building on an adjoining lot.

Calendar No. 05-146: 2137 West 6th Street (Ward 13)

Michael, Frank and Diedrick Delaney, owners, appeal to erect a 2,400 s/f single family dwelling, proposed to be situated on a 2,500 s/f lot in a B1 Multi-Family District on the east side of West 6th Street at 2135 West 6th Street; contrary to Section 355.04, a square foot gross floor area of 2,400 s/f is proposed and the maximum gross floor area in a "B" Area District may not exceed one-half of the lot area, or 2,150 s/f; and contrary to Sections 357.09(a)(2)(A), the aggregate width of side yards shall be not less than one-half the height of the main building but in no case, less than 10' and the interior side yards proposed measure 2' and 3' or a total of 5' from a main building on an adjoining lot.

Calendar No. 05-147: 2143 West 6th Street (Ward 13)

Michael, Frank and Diedrick Delaney, owners, appeal to erect a 2,400 s/f single family dwelling, proposed to be situated on a 2,500 s/f lot in a B Multi-Family District on the east side of West 6th Street at 2143 West 6th Street; contrary to Section 355.0, a square foot gross floor area of 2,400 s/f is proposed and the maximum gross floor area in a "B" Area District may not exceed one-half of the lot area, or 2,150 s/f; and contrary to Sections 357.99(a)(2)(A), the aggregate width of side yards shall be not less than one-half the height of the main building but in no case, less than 10' and the interior side yards pro-

posed measure 2' and 3' or a total of 5' from a main building on an adjoining lot.

Calendar No. 05-148: 12301-05 Kinsman Road (Ward 3)

Mt. Pleasant NOW Development Corporation, owner, and Hugh Kidd, agent, appeal to construct an 8 unit townhouse project proposed to be situated on a 207' x 216' lot located in an RA2 District on the north side of Kinsman Road at 12301-12405 Kinsman Road; contrary to Area and Yard Regulations for RA2 Districts, a common open space of 50 s/f per unit is required and none is proposed to provide land or a combination of land and water of such condition, size, shape and location, as to be usable for active recreation or scenic enjoyment by residents of townhouse development as determined by the City Planning Commission; and the townhouse project applicant shall provide the Building and Housing Department with evidence of legally enforceable mechanisms to ensure continued preservation of such land as common open space and its proper maintenance.

Calendar No. 05-149: 3520 Stanford Avenue — Duplex A (Ward 15)

Aberdeen Investments, Inc. and Jim Caldwell, owner, appeal to erect a 20' x 75' two-story frame, single family residence, proposed to be situated on a 23' x 110' lot in a B1 Two-Family District on the north side of Stanford Avenue at 3520 Stanford Avenue; contrary to Section 355.05, a lot width of 23' is provided instead of the 40' requirement; and the minimum lot area measures 2,541 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,064 s/f provided instead of 50% of the lot size or 1,270 s/f; and there is a front yard setback of 10' where Section 357.04 requires 15% of the lot depth that equals 16.5' and contrary to Sections 357.09(2)(b) and 357.09(2)(A), interior side yards may not be less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with the total of both interior side yards measuring not less than 10' and no access to parking space is provided, contrary to Section 349.02(a) of the Codified Ordinances that states one parking space is required.

Calendar No. 05-150: 3520 Stanford Avenue — Duplex B (Ward 15)

Aberdeen Investments, Inc. and Jim Caldwell, owner, appeal to erect a 20' x 75' two-story frame, single family residence, proposed to be situated on a 25' x 110' lot in a B1 Two-Family District on the north side of Stanford Avenue at 3520 Stanford Avenue; contrary to Section 355.05, a lot width of 25' is provided instead of the 40' requirements; and the minimum lot area measures 2,760 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,064 s/f provided, instead of 50% of the lot size or 1,380 s/f; and contrary to Sections 357.09(2)(b) and 357.09(2)(A), interior side yards may not be less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with a total of both interior side yards measuring not less than 10' and no access to park-

ing space is provided, contrary to Section 349.02 of the Codified Ordinances that states one parking space is required.

Calendar No. 05-151: 3520 Stanford Avenue — Duplex C (Ward 15)

Aberdeen Investments, Inc. and Jim Caldwell, owner, appeal to erect a 20' x 75' two-story frame, single family residence, proposed to be situated on a 25' x 110' lot in a B1 Two-Family District on the north side of Stanford Avenue at 3520 Stanford Avenue; contrary to Section 355.05, a lot width of 25' is provided instead of the 40' requirement; and the minimum lot area measures 2,759 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,064 s/f provided instead of 50% of the lot size or 1,379 s/f; and contrary to Sections 357.09(2)(b) and 357.09(2)(A), interior side yards may not be less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with the total of both interior side yards measuring not less than 10' and no access to parking space is provided, contrary to Section 349.02(a) of the Codified Ordinances that states one parking space is required.

Calendar No. 05-152: 3520 Stanford Avenue — Duplex D (Ward 15)

Aberdeen Investments, Inc. and Jim Caldwell, owner, appeal to erect a 20' x 75' two-story frame, single family residence, proposed to be situated on a 25' x 110' lot in a B1 Two-Family District on the north side of Stanford Avenue at 3520 Stanford Avenue; contrary to Section 355.05, a lot width of 25' is provided instead of the 40' requirement; and the minimum lot area measures 2,759 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,064 s/f provided instead of 50% of the lot size or 1,379 s/f; and contrary to Sections 357.09(2)(b) and 357.09(2)(A), interior side yards may not be less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with the total of both interior side yards measuring not less than 10' and no access to parking space is provided, contrary to Section 349.02(a) of the Codified Ordinances that states one parking space is required.

Calendar No. 05-153: 3520 Stanford Avenue — Duplex E (Ward 15)

Aberdeen Investments, Inc. and Jim Caldwell, owner, appeal to erect a 20' x 75' two-story frame, single family residence, proposed to be situated on a 23' x 110' lot in a B1 Two-Family District on the north side of Stanford Avenue at 3520 Stanford Avenue; contrary to Section 355.05, a lot width of 25' is provided instead of the 40' requirement; and the minimum lot area measures 2,758 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,064 s/f provided instead of 50% of the lot size or 1,379 s/f; and contrary to Sections 357.09(2)(b) and 357.09(2)(A), interior side yards may not be less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with the total of both interior side yards measuring not less than 10' and no access to park-

ing space is provided, contrary to Section 349.02(a) of the Codified Ordinances that states one parking space is required.

Calendar No. 05-154: 3520 Stanford Avenue — Duplex F (Ward 15)

Aberdeen Investments, Inc. and Jim Caldwell, owner, appeal to erect a 20' x 75' two-story frame, single family residence, proposed to be situated on a 23' x 110' lot in a B1 Two-Family District on the north side of Stanford Avenue at 3520 Stanford Avenue; contrary to Section 355.05, a lot width of 3' is provided instead of the 40' requirement; and the minimum lot area measures 4,087 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,064 s/f provided instead of 50% of the lot size or 2,043 s/f; and contrary to Sections 357.09(2)(b) and 357.09(2)(A), interior side yards may not be less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with the total of both interior side yards measuring not less than 10' and no access to parking space is provided, contrary to Section 349.02(a) of the Codified Ordinances that states one parking space is required.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 13, 2005

At the meeting of the Board of Zoning Appeals on Monday, June 13, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 05-121: 1729 Willey Avenue

The Cleveland Animal Protective League appealed to install two free-standing, non-illuminated double face signs at the front entrance driveway and at the rear driveway of an existing animal care facility.

Calendar No. 05-122: 7000 Wakefield Avenue

Bernard Lackey, owner, appealed to install 40 l/f of 4' high chain link fence and a 14' double drive gate at the front of a 40' x 132' lot in a B1 Two-Family District; subject to condition.

Calendar No. 05-123: 7006 Wakefield Avenue

Bernard C. Lackey appealed to install 60 l/f of 4' high chain link fence at the front and along the western perimeter of a 40' x 80' corner lot in a B1 Two-Family District; subject to condition.

Calendar No. 05-126: 16914 East Park Drive

Peter Y. Usayto appealed to erect a 10'-8" x 36' open front porch to an existing single family dwelling in an A1 One-Family District.

Calendar No. 05-127: 1016 East 77th Street

Mary Pritchard appealed to erect a 20' x 20' one-story frame, attached garage to an existing two-story sin-

gle family dwelling in a B1 Two-Family District.

Calendar No. 05-115: 1070 East 152nd Street

City of Cleveland Department of Parks, Recreation and Properties appealed to construct an Outdoor Athletic Complex in a General Industry District.

The following appeals were **Denied:**

None.

The following appeals were **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 03-103: 15409 St. Clair Avenue postponed to July 5, 2005.

In Executive Session on June 13, 2005, the following appeals heard by the Board on June 6, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-112: 8315 Jeffries Avenue

Cleveland Municipal School District appealed to construct an Elementary/Middle School education facility on the site of the former Warner School and Gymnasium in split zoning between General Retail Business and Two-Family Districts.

Calendar No. 05-117: 652 East 159th Street

Sherrie Davis appealed to install 384' of 4' high chain link fence on a corner lot in a B1 Two-Family District.

Calendar No. 05-118: 711 Vincent Avenue

MRN Limited appealed to change from a nightclub to a parking garage the use of a two-story brick building in a General Retail Business District.

Calendar No. 05-119: 4100 Broadway Avenue

Ruth Laumer appealed to erect a two-story brick and block crematorium in a Semi-Industry District

Calendar No. 05-28: 4090 East 93rd Street

Cleveland Municipal School District appealed to erect a two-story Kindergarten through Eighth Grade school building in split zoning between a General Retail Business and Two-Family Districts.

The following appeals were **Denied:**

Calendar No. 05-116: 7923 Franklin Boulevard

David Roswurm appealed to erect a 26' x 33' frame accessory garage proposed to be situated on a separate lot at the rear of a dwelling unit in a B1 Two-Family District.

Calendar No. 03-35: 6402 Lansing Avenue

Louis Sainato, owner, and Patricia Cole dba Patia's Child Care Center requested an extension for the day

care hours of operation, 6 am to 6 pm, specified in the variance granted on June 23, 2003 to be from 6 am to 11 pm.

The following appeal was **Dismissed:**

None.

In Executive Session on June 13, 2005, the following appeal heard by the Board on May 23, 2005 was adopted and approved:

The following appeal was **Denied:**

Calendar No. 05-74: Appeal of North Coast Payphones, Inc. — 4159 Lee Road — 4360 Lee Road — Permit #70

North Coast Payphones, Inc. appealed from an order issued March 17, 2005 by the Commissioner of Assessments and Licenses two outdoor pay telephones declared a nuisance by the Director of Public Safety.

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."

WEDNESDAY, JUNE 22, 2005

Miscellaneous Sized Steel Plates, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2021-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING,** THURSDAY, JUNE 16, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

June 8, 2005 and June 15, 2005

THURSDAY, JUNE 23, 2005

Former Miles/Broadway YMCA Roof Replacement (Re-Bid), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, 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, JUNE 16, 2005 AT 10:00 A.M., FORMER MILES/BROADWAY YMCA, 11300 MILES ROAD, LOBBY AREA, CLEVELAND, OHIO.

June 8, 2005 and June 15, 2005

FRIDAY, JUNE 24, 2005

Clean and Maintain Scale Pits at the Ridge Road Scale House and Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 470-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 16, 2005 AT 10:00 A.M., DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

June 8, 2005 and June 15, 2005

WEDNESDAY, JUNE 29, 2005

Rental of Snow Removal and Heavy-Duty Equipment with Operators, for the Various Divisions, Department of Port Control as authorized by Ordinance No. 414-05, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 17, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTER-

NATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Labor and Materials Necessary for Painting and Paint Removal on Roadways, Runways and Other Paved Surfaces, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 273-05, passed by the Council of the City of Cleveland, May 2, 2005. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 17, 2005 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Purchase of Radiator, Heater Core Air Charged Coolers and Tank Repair or Replace, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 925-04, passed by the Council of the City of Cleveland, August 11, 2004. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 16, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 8, 2005 and June 15, 2005

THURSDAY, JUNE 30, 2005

Accessories and Equipment for Up-fitting Vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 16, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

GMC Truck Parts and Labor (re-bid), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 932-04, passed by the Council of the City of Cleveland, August 11, 2004. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 16, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Maintenance of HVAC Systems, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 356-05, passed by the Council of the City of Cleveland, May 9, 2005. THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, JUNE 24, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. **THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

June 8, 2005 and June 15, 2005

WEDNESDAY, JUNE 29, 2005

Network Monitoring Software, for the Division of Information Technology & Services, Department of Finance, as authorized by Ordinance No. 69-04, passed by the Council of the City of Cleveland, January 12, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 23, 2005 AT 1:00 P.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 205 WEST ST. CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

June 15, 2005 and June 22, 2005

THURSDAY, JUNE 30, 2005

Valley Road Rehabilitation/Reconstruction, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 1524-03, passed by the Council of the City of Cleveland, August 13, 2003.

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

THERE WILL BE A **NON-MANDATORY BID MEETING** THURSDAY, JUNE 23, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

June 15, 2005 and June 22, 2005

WEDNESDAY, JULY 6, 2005

Various Automotive/Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, JUNE 27, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Blanket Employee Dishonesty Coverage, for Various Divisions, Department of Finance, as authorized by Section 171.13, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 30, 2005 AT 3:00 P.M., CITY HALL, ROOM 104, CLEVELAND, OHIO 44114.

June 15, 2005 and June 22, 2005

THURSDAY, JULY 7, 2005

Purchase of Auto/Truck Glass Repair/Replacement, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 995-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, JUNE 27, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Cab/Chassis with Tow Body, for the Division of Motor

Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, JUNE 27, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 15, 2005 and June 22, 2005

WEDNESDAY, JULY 13, 2005

Labor and Materials Needed to Install and Maintain Restroom Odor Control Drip System and Restroom Deodorizer, for the Division of Cleveland Hopkins Airport, Department of Port Control, as authorized by Ordinance No. 2297-04, passed by the Council of the City of Cleveland, January 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 23, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Deicing Chemicals, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 413-05, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 23, 2005 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Paper Products, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 358-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING** WEDNESDAY, JUNE 29, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

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

June 15, 2005 and June 22, 2005

FRIDAY, JULY 29, 2005

Labor and Materials Necessary to Maintain Fire Alarm Systems, Including Inspection, Repair and Related Services, for the Division of Property Management, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1277-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 24, 2005 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING 2, NEWBURGH HEIGHTS, OHIO 44105.

June 15, 2005 and June 22, 2005

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 365-05.

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

An emergency resolution declaring the intention to vacate a portion of Bading Avenue S.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Bading Avenue S.E., as described; 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Bading Avenue S.E. (50 feet wide) extending from the Easterly line of Kimmel Road S.E. (50 feet wide) Easterly to its Easterly terminus.

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

Section 2. 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.

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 577-05.

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

An emergency resolution declaring the intention to vacate a portion of Woodslee Court N.W. and a portion of West 134th Place.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Woodslee Court N.W. and a portion of West 134th Place, as described; 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Woodslee Court N.W. (20 feet wide) extending from the East line of that portion of Woodslee Court N.W. (20 feet wide) vacated by Ordinance No. 1870-57, passed 9-23-57, Easterly, to and including that portion of West 134th Place (20 feet wide) extending from said Woodslee Court N.W. (20 feet wide), Northerly, to the Southerly line of Lake-

wood Heights Boulevard N.W. (86 feet wide).

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

Section 2. 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.

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 702-05.

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

An emergency resolution declaring the intention to vacate a portion of Sector Avenue, Belmont Avenue, Elmwood Avenue, West 118th Place and West 120th Street.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Sector Avenue, Belmont Avenue, Elmwood Avenue, West 118th Place and West 120th Street, as described; 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Sector Avenue extending Westerly from West 117th Street to West 121st Street, all that portion of Belmont Avenue extending Westerly from West 117th Street to West 120th Street, all that portion of Elmwood Avenue extending Westerly from West 117th Street to West 121st Street and all that portion of West 120th Street extending Southerly from Sector Avenue to the Northerly L.A. line of I-90; all that portion of West 118th Place (14 feet wide) extending Northerly from Elmwood Avenue to its northerly terminus.

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

Section 2. 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.

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 703-05.

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

An emergency resolution declaring the intention to vacate a portion of Fidelity Avenue S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Fidelity Avenue S.W., as described; 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Brooklyn Township Lot No. 6, also known as being part of Bosworth Heights Subdivision as shown in Volume 31, Page 2 of Cuyahoga County Map Records (C.C.M.R.) and more fully bounded and described as follows:

Beginning at the intersection of the centerlines of Fidelity Avenue S.W. (60 feet wide) with Bosworth Road S.W. (100 feet wide);

thence North 60° 26' 55" East along the centerline of Fidelity Avenue, as aforesaid, 306.73 feet to a point of curvature;

thence North 29° 33' 05" West, 30.00 feet to a point on the Northerly right-of-way of Fidelity Avenue, as aforesaid, and the Principal Place of Beginning of a parcel of land herein described;

thence North 60° 26' 55" East, 73.66 feet to a point;

thence Southerly 57.05 feet along the arc of a curve deflecting to the left having a radius of 122.84 feet and a chord of 56.54 feet which bears South 36° 26' 46" East to a point;

thence Northwesterly 104.43 feet along the arc of a curve deflecting to the left having a radius of 85.72 feet and a chord of 98.09 feet which bears North 84° 39' 06" West to the Principal Place of Beginning and containing 0.0210 acres of land.

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

Section 2. 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.

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1145-05.

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

An emergency resolution endorsing the Euclid Creek Watershed Action Plan Draft.

Whereas, the City of Cleveland entered into a memorandum of understanding with the Cuyahoga Soil & Water Conservation District to support the Euclid Creek Watershed Coordinator in the programming of public education and involvement activities and the development of a Watershed Action Plan; and

Whereas, the Euclid Creek Watershed Coordinator in partnership with

the Euclid Creek Watershed Council, Friends of Euclid Creek, and three working committees assembled the Draft Watershed Action Plan for the Euclid Creek Watershed; and

Whereas, the Euclid Creek Watershed Action Plan establishes goals and guidance to establish stewardship activities to protect, restore and manage the watershed while maintaining economic prosperity through the collaboration of nine communities; and

Whereas, the Euclid Creek Watershed Council and Cuyahoga Soil & Water Conservation District is obligated to submit the Euclid Creek Watershed Action Plan Draft to the Ohio Department of Natural Resources and Ohio EPA for state endorsement to facilitate future funding incentives and program funding opportunities; and

Whereas, the Euclid Creek Watershed Council will endorse the plan as a governing body for the Euclid Creek watershed activities; and

Whereas, the Euclid Creek Watershed Council and Cuyahoga Soil & Water Conservation District, through the Euclid Creek Watershed Coordinator, seeks endorsement of the Draft Plan by each City Council of the Euclid Creek Watershed as part of the submission to the State; 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 this Council of the City of Cleveland endorses the Euclid Creek Watershed Action Plan Draft.

Section 2. 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.

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1186-05.
By Council Members Kelley, Coats, Zone, White, Britt, Sweeney, Brady, Dolan, Jackson and Polensek.

An emergency resolution urging the Ohio Legislature not to increase the kilowatt-hour tax for the purpose of balancing the state budget.

Whereas, the Ohio Legislature is considering House Bill 66, the 2005 state budget bill that will impose drastic funding cuts for Ohio's largest and neediest cities; and

Whereas, the budget bill includes a 30% increase in the kilowatt-hour tax imposed on the consumption of electricity in the state; and

Whereas, the residents of Cleveland and northern Ohio already pay some of the highest rates for electricity in the country; and

Whereas, the kilowatt-hour tax is unfairly regressive in that it applies to customers at the same rate with-

out regard to the income of the customer or the customer's ability to pay; and

Whereas, the proposed 30% increase in the kilowatt-hour tax also unfairly penalizes lower-income residents, many of whom cannot afford modern energy-efficient homes and appliances; 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 opposes the proposed increase in the kilowatt-hour tax and urges the Ohio Legislature to amend pending House Bill 66 to remove provisions that will increase the kilowatt-hour tax.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft, Ohio Senate President Bill Harris, each member of the Ohio Senate representing Cuyahoga County residents, Speaker of the House Jon Husted, and each member of the Ohio House of Representatives representing Cuyahoga County residents.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1191-05.
By Council Member Johnson.
An emergency resolution objecting to a New C1 Liquor Permit at 9400 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Paulette D. Stewart, DBA Ttampas Mini Mart, 9400 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 84651870005; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Paulette D. Stewart, DBA Ttampas Mini Mart, 9400 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 84651870005, 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1192-05.
By Council Member Kelley.
An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 6101 Memphis Avenue and repealing Resolution No. 1366-04, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit at 6101 Memphis Avenue by Resolution No. 1366-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Shernkev, Inc., DBA Trio Tavern, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 8079254 be and the same is hereby withdrawn and Resolution No. 1366-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1193-05.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 15315 Bartlett Avenue, and repealing Resolution No. 1344-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 15315 Bartlett Avenue by Resolution No. 1344-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 15315 Bartlett Avenue, DBA Johnson's Deli, 15315 Bartlett Avenue, Cleveland, Ohio 44120, Permanent Number 2714240 be and the same is hereby withdrawn and Resolution No. 1344-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1194-05.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3551-55 East 93rd Street, and repealing Resolution No. 1345-04, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3551-55 East 93rd Street by Resolution No. 1345-04 adopted by the Council on July 14, 2004; and

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

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

a municipal department; now, therefore,

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to VSP Lounge, Inc., DBA VSP Lounge, 3551-55 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 9181396 be and the same is hereby withdrawn and Resolution No. 1345-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1195-05.

By Council Member Pierce Scott.

An emergency resolution objecting to a New C1 Liquor Permit at 7828 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at S A West Company, DBA EZ 1 Stop Beverage, 7828 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 7770655; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the

Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at S A West Company, DBA EZ 1 Stop Beverage, 7828 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 7770655; 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1196-05.

By Council Member Sweeney.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 13951 Triskett Road and repealing Resolution No. 786-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 13951 Triskett Road by Resolution No. 786-05 adopted by the Council on April 25, 2005; and

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

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

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

Section 1. That objection to a New C1 Liquor Permit to Holland Oil Company, 13951 Triskett Road, Cleveland, Ohio 44135, Permanent Number 39232320230 be and the same is hereby withdrawn and Resolution No. 786-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 65-04.**By Council Member Dolan.**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies, in conjunction with the Director of Community Development, to invite bids for the sale of the City owned parking lot located at the northwest corner of West 168th Street and Albers Avenue and authorizing the sale of such land as it is no longer needed for public use.

Whereas, the City-owned property located at the northwest corner of West 168th Street and Albers Avenue is no longer needed for public use; and

Whereas, Ordinance No. 2250-03, passed December 15, 2003, changed the zoning of property located at the northwest corner of West 168th Street and Albers Avenue from a Local Retail Use District to a Parking District; 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 Commissioner of Purchases and Supplies, in conjunction with the Director of Community Development, is hereby authorized to invite bids for the sale of the City-owned parking lot located at the northwest corner of West 168th Street and Albers Avenue.

Section 2. That the invitation for such bid shall require compliance with all applicable zoning laws, shall require the successful bidder to continue to operate the property as a parking lot, and shall indicate that the deed shall contain a deed restriction requiring the use of the property as a parking lot.

Section 3. That the Commissioner of Purchases and Supplies and the Director of Community Development are authorized to reject any and all bids that may be received.

Section 4. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

(Legal description to be inserted)

Section 5. That the Commissioner of Purchases and Supplies and the Director of Community Development are hereby authorized to sell the above-described property to the lowest and best bidder at the fair market value as determined by the bids received in response to the invitation to bid.

Section 6. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions, including such restrictive covenants and reversionary interests as may be necessary, including the operation of the land as a parking lot, to protect the public interest.

Section 7. 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1268-04.**By Council Members Reed and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance, for the 2004 Bulletproof Vest Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$12,781.54, from the United States Department of Justice, Bureau of Justice Assistance, to conduct the 2004 Bulletproof Vest Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 1268-04-A, made a part hereof as if fully rewritten, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. Bids shall be taken in a manner which 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 grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

That the cost of the 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.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2123-04.**By Council Members Jones, Gordon, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the westerly part of Block B in the Lee-Seville/Cleveland Outerbelt Industrial Park subdivision to Space Management Group, LLC dba Dan Dee Potato Chips.

Whereas, the Director of Economic Development has requested the sale of the City-owned property to Space Management Group, LLC dba Dan Dee Potato Chips (the "Redeveloper") no longer needed for public use and located at the westerly part of Block B in the Lee-Seville/Cleveland Outerbelt Industrial Park subdivision; and

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

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

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

REMAINDER OF BLOCK B

Permanent Parcel No. 142-16-064
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a Westerly part of Block B in the Lee-Seville/Cleveland Outerbelt Industrial Park Subdivision of part of Original Warrensville Township Lots Nos. 81, 82, and 103, as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Being all of that part of Block B bounded on the West by the Easterly line of East 153rd Street, (50 feet wide), on the East by the Westerly line of a part of said Block B conveyed to the Samuel Steel Pickling Company by deed dated August 9, 1988 and recorded in Volume 88-4003, Page 12 of Cuyahoga County Records, on the North by the Southerly line of the S. H. Kleinman Realty Company's Miles Heights allotment as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, and on the South by the Northerly line of Johnston Parkway, S.E. (60 feet wide).

Containing within said bounds, an area of about 5.072 acres of land be the same more or less but subject to all legal highways, easements, and restrictions of record.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2200-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a temporary public right-of-way occupancy permit for an outdoor restaurant to the House of Blues Cleveland, LLC, located at 308 Euclid Avenue, for a period of one year.

Whereas, Chapter 513 of the Codified Ordinances of Cleveland, Ohio, 1976, enacted by Ordinance No. 2393-02, passed February 3, 2003, regulates the issuance of temporary public right-of-way occupancy permits for outdoor restaurants in the City of Cleveland; and

Whereas, Section 513.04 of that Chapter limits the permit term to an eight-month period; and

Whereas, the House of Blues Cleveland, LLC wishes to operate an outdoor restaurant at its establishment which will be located at 308 Euclid Avenue; and

Whereas, the House of Blues Cleveland, LLC has requested a exception to the requirements of Section 513.04, and desires a one-year outdoor restaurant permit; and

Whereas, this Council has determined that waiving the eight-month limitation set forth in Section 513.04 of the codified ordinances for the House of Blues Cleveland, LLC would be beneficial for the City of Cleveland and its citizens by providing year-round downtown entertainment and creating increased revenue for the City; and

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

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

Section 1. That, notwithstanding the provisions of Chapter 513 of the Codified Ordinances of Cleveland or any codified ordinance to the contrary, the Director of Public Service is authorized to issue a temporary public right-of-way occupancy permit to the House of Blues Cleveland, LLC for a period of one year beginning December 1, 2004, to operate an outdoor restaurant located at 308 Euclid Avenue.

Section 2. That the permit may be renewed as provided in Chapter 513 on an annual basis for year-long terms beginning December 1st and ending November 31st.

Section 3. The permit authorized above shall be subject to all other requirements and conditions of Chapter 513.

Section 4. That the permit shall be prepared by the Director of Law and shall contain any additional provisions that the he deems necessary to protect and benefit the public interest.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2307-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2005 Caribbean Gang Task Force Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$72,230, from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency to conduct the 2005 Caribbean Gang Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2307-04-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$24,077, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects.

Section 3. 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 necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That the costs of the purchases authorized by this ordinance shall be payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 5. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 7-05.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to resurface the Memorial Shoreway from the Main Avenue Bridge to the Innerbelt curve.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to resurface the Memorial Shoreway (SR 2) from the Main Avenue Bridge to the Innerbelt curve for a distance of approximately 1.72 miles in the City of Cleveland (the "Improvement"), under the plans, specifications, and estimates approved by the Director of Transportation.

Section 2. That the City gives its consent to the Improvement and its

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

Section 3. That the Director of Public Service is authorized to enter into agreements with the Director of Transportation that are necessary to complete the planning and construction of the Improvement.

Section 4. That on completion of the Improvement, the City will:

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

(b) Maintain the Improvement under the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the Director of Transportation and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

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

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

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

(d) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

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

Section 6. That the Council of the City requests the State to proceed with the Improvement. Any improvements to the West 28th Street

entrance and exit ramps to Memorial Shoreway shall include rumble strips.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 129-05.

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

An emergency ordinance to amend Section 3 of Ordinance No. 781-03, passed June 10, 2003, relating to the Marshall Place Apartments 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 Section 3 of Ordinance No. 781-03, passed June 10, 2003, is amended to read as follows:

Section 3. That the term of the lease and sublease authorized by this ordinance shall be for a period of twenty-five (25) years, with one option exercisable by the Director of Community Development, to renew both the lease and the sublease for an additional twenty-five (25) year term.

Section 2. That existing Section 3 of Ordinance No. 781-03, passed June 10, 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 272-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Herschel Court area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

a municipal department; now, therefore,

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the Herschel Court area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150024.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 280-05.

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

An emergency ordinance to authorize the Director of Parks, Recreation and Properties to enter into an amendment to Contract No. 62444 with Bass Energy Company, Inc. relating to an oil and gas lease at Highland Golf Course.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an amendment to Contract No. 62444 with Bass Energy Company, Inc. to explore for, drill, operate for, produce and remove oil and gas at Highland Golf Course to include Seneca Golf Course.

Section 2. That the Director of Law is authorized to prepare the amendment.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 461-05.

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

An emergency ordinance determining the method of making the public improvement of installing the filter aid polymer feed system at the Crown Water Works Plant; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing the filter aid polymer feed system at the Crown Water Works Plant, including but not limited to, installing a new filter aid polymer feed system, related piping work, and control equipment, for the Division of Water, Department of Public Utilities, 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 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding 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 the trades or components may be the subject of a separate contract for a gross price. On 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 3. 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 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 001, Request No. 149028.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 553-05.

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

An emergency ordinance determining the method of making the public improvement of constructing improvements to the Harvard Yard Distribution and Maintenance Facility; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to the Harvard Yard Distribution and Maintenance Facility, including but not limited to installing new HVAC systems, replacing carpeting, and upgrading the fire alarm and ground sprinkler systems, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That 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 4. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, and 52 SF 231, Request No. 159319.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 556-05.

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

An emergency ordinance to appropriate property for the public purpose of expanding Roberto Clemente Park, located at 3726 Seymour Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1552-04, adopted August 11, 2004, declared

the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of expanding Roberto Clemente Park, located at 3726 Seymour Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of expanding Roberto Clemente Park, located at 3726 Seymour Avenue, the following described fee simple interests are appropriated:

P. P. No. 007-18-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 462 in H. Stone's Addition being a Subdivision of part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and being 50 feet front on the Northerly side of Seymour Avenue, S.W. and extending back of equal width 132 feet to the Southerly line of a 14 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 579-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the 2005 Gang Resistance Education and Training Program; and authorizing the purchase by one or more requirement contracts of materials and supplies needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$95,051, from the U.S. Department of Justice, Bureau of Justice Assistance to conduct the

2005 Gang Resistance Education and Training ("GREAT") Program; and that the program shall be conducted in conjunction with the following schools: Wilbur Wright, Thomas Jefferson, Patrick Henry, St. Vincent, Luis Munoz, Metro Catholic, Franklin D. Roosevelt and Audobon; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 579-05-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials and supplies needed to implement the grant, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public 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 5. That the costs of the contract or contracts shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and from the the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 580-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair, maintain, and service MSA breathing apparatus, for the Division of Fire, 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 labor and materials necessary to repair, maintain, and service MSA breathing apparatus, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, 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 one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall not exceed \$75,000 and 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 154756)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 582-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance, for the 2005 Bulletproof Vest Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$129,750, from the United States Department of Justice, Bureau of Justice Assistance, to con-

duct the 2005 Bulletproof Vest Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 582-05-A, made a part hereof as if fully rewritten, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. Bids shall be taken in a manner which 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 grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

That the cost of the 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.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 589-05.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 46th Street to Flora Salivaras.

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). 006-24-075 and 006-24-076, as more fully described below, to Flora Salivaras.

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

P. P. No. 006-24-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 410 in the Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 36 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Westerly line of West 46th Street at the Southeast corner of said Sublot No. 410; thence Northerly 4.0 feet along the Westerly line of West 46th Street to a point; thence Westerly 68.5 feet and parallel to the Southerly line of said Sublot No. 410 to a point; thence Northerly 36 feet and parallel to the Westerly line of West 46th Street to a point in the Northerly line of said Sublot No. 420; thence Westerly 56.5 feet along the Northerly line of said Sublot No. 410 to the Northwest corner thereof; thence Southerly 40 feet along the Westerly line of said Sublot No. 410 to the Southwest corner thereof; thence Easterly 125 feet along the Southerly line of said Sublot No. 410 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Except for the warranty, taxes and assessments, both general and special not delinquent, zoning ordinances, easements, conditions and restrictions or record, if any.

Subject to the right of ways and easements contained in the deed from Martin S. Wald to George Spanael, dated June 15, 1955 and filed for record November 10, 1960 in Volume 9989, Page 252 Cuyahoga County Records.

P. P. No. 006-24-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Sublot No. 411 in Taylor and Holt's Subdivision of part of Original Brooklyn Township Lot No. 48, as shown by the recorded plat in Volume 1 of Maps, Page 36 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 46th Street and extending back between parallel lines 125 feet deep to the Easterly line of West 47th Place, (14 feet wide), in the rear 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

003-12-003 and 003-12-006 through 003-12-011 and Detroit Avenue.

is hereby named Jim Mahon Park in honor of Jim Mahon and his contributions to the neighborhood. Jim Mahon Park shall be maintained for use as a public park by the City of Cleveland in perpetuity and the Director of Parks, Recreation, and Properties shall not permit any use or adoption of Jim Mahon Park that is inconsistent with this purpose.

Notwithstanding the designation of Jim Mahon Park as a park in perpetuity, the Council may on motion of any member, or on petition, change such designation provided that before such action is taken the matter shall first be submitted to the Planning Commission for its opinion and recommendations. The Commission shall allow a reasonable time, not less than thirty (30) days, for consideration and report thereon, and a public hearing shall be held before the appropriate committee of Council. Ten (10) days' notice of such public hearing and of the intent to change the designation shall be given by publication in the City Record.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 595-05.
By Council Member Cimperman.
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 559.61 designating Jim Mahon Park.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 559.61 thereof to read as follows:

Section 559.61 Jim Mahon Park
The public space known as Jim Mahon Park and more fully described as follows:

**LEGAL DESCRIPTION OF
JIM MAHON PARK**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Brooklyn Township Lot Numbers 50 and 51 and being known as Cuyahoga County Auditors permanent parcel numbers 003-01-008 and 003-12-002 conveyed to the City of Cleveland and bounded on the North by Bulkeley Blvd. Now known as Cleveland Memorial Shoreway (West) and on the West by West 45th Street and on the East by P.P.N. 003-13-007, 003-13-008 and 003-13-006 and on the South by P.P.N.

Ord. No. 645-05.
By Council Members Lewis, Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the East 94th area sewer system between Ansel and Crawford, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the East 94th area sewer system between Ansel and Crawford, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible

bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That 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 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150077.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 646-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the East 123rd area sewer system, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the East 123rd area sewer system, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That 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 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150078.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 647-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Throckley Avenue area sewer system from Lee Road to East 177th Street, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the Throckley Avenue area sewer system from Lee Road to East 177th Street, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That 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 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150079.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 648-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 130th area sewer system, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the West 130th area sewer system, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That 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 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150080.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 649-05.
By Council Members Dolan, Coats,
Cimperman and Jackson (by department request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 162nd area sewer system, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the West 162nd area sewer system, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That 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 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150081.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 650-05.
By Council Members Brady, O'Malley,
Polensek, Cintron and Britt.

An emergency ordinance to amend Sections 237.01, 237.02, 237.03, 237.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1520-03, passed January 26, 2004, relating to adult video arcades and adult live entertainment arcades.

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

a municipal department; now, therefore,

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

Section 1. That Sections 237.01, 237.02, 237.03, and 237.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1520-03, passed January 26, 2004, are amended to read as follows:

Section 237.01 Purpose and Findings

Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health and general welfare of the citizens of the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is neither the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

Section 237.02 Definitions

(a) The words in this Chapter shall have the meaning given to them in 347.07 of the Cleveland Codified Ordinances.

(b) "Operator" means a person who owns, controls, operates, or maintains a Adult Video Arcade or Adult Live Entertainment Arcade.

(c) "Manager's station" means the area where the owner, operator, or employee keeps the cash register. This must be an open, conspicuous area accessible to the patrons.

Section 237.03 Configuration

No person shall operate an Adult Video Arcade or an Adult Live Entertainment Arcade unless the Arcade complies with the following requirements:

(a) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and can see the monitor located at the manager's station at all times that any patron is present inside the premises.

(b) The premises' owner or operator installs a camera system in the video booths that complies with the following requirements:

(1) The owner or operator operates the camera system when any of the booths are available for viewing videos.

(2) The owner or operator numbers all the booths in the store with an individual number so that the booth is identified on the monitor, the digital recording, and the maintenance log.

(3) The camera system includes an individual camera in each video booth.

(4) The individual cameras are placed in the booths in a way that shows the people inside the booths from at least the knees to the shoulders.

(5) Each Video Arcade will ensure that nothing obstructs the camera from showing the people inside the booths from at least the knees to the shoulders.

(6) Each Video Arcade will immediately remove anything that obstructs the camera from showing the people inside the booths from at least the knees to the shoulders.

(7) The camera system has a monitor at the manager's station so that the owner, operator, or employee who is present in the store can view it.

(8) The monitor faces into the store's public area so that it is visible from the public area.

(9) The monitor's screen is not obstructed from view from the public area at any time that the store is open to the public.

(10) The monitoring system operates on a switcher system so that the monitor switches sequentially and continuously from one camera to another. The continuous switching process will be timed to allow an adequate view of each area surveyed by each camera. The view inside each booth must be at least four seconds, but not more than six seconds. Once the camera system completes a circuit showing the inside of all the booths, the system must immediately start a new circuit showing inside all the booths.

(11) The monitor and the recording identify the booth number for the booth that is being shown on the monitor.

(12) The camera system records all activity in all booths in digital format on a minimum five-day recording loop. The owner or operator must maintain at least the most recent five-day period's recordings at all times.

(13) The camera system records the date and time for the recorded images.

(14) The owner or operator places a sign that is at least 5" by 7" in a conspicuous place in each booth stating words to the effect: "This arcade installed a video-camera-monitoring-and-recording system in this booth. The arcade monitors and records activity in this booth."

(15) If anyone removes or defaces the sign required by C.C.O. § 237.03(b)(14), then the owner or operator will replace the sign with a new one as soon as store personnel find that the sign has been removed or defaced. The owner or operator must keep enough extra signs in supply at the store to be able to replace any sign as needed.

(16) If a camera is not operating in any booth, the store must close that booth until the camera is repaired. "Not operating" means that the camera does not transmit images showing the booth's interior so that the image is shown on the monitor and recorded by the recording device.

(17) If the entire camera system is not operating, then the Video Arcade may not operate any video booths until the system is repaired.

(18) Each Video Arcade will keep a log for every time the camera system or an individual camera is not working. The log also must note any time that the sign required by C.C.O. § 237.03(b)(14) is defaced or removed. The log should show the date and time the camera or camera system stopped working, the date and time a repair company fixed it, and the repair company's contact information. The owner or operator must immediately provide a copy of this log to City officials on request.

(c) Restrooms may not contain video-reproduction equipment and shall not be used for viewing videos.

(d) No owner or operator, and no person who is the owner's or operator's agent or employee, shall fail to ensure that the requirements of C.C.O. § 237.03(b) are met at all times.

(e) Except inside the video booths, the owner or operator will provide artificial light at the premises in all areas where the public is permitted at a level that provides an average illumination of 10 foot candles (107 lux) over the area at a height of 30 inches above the floor level. Inside the video booths, the owner or operator will provide artificial light at a level that allows the activities inside the booth to be clearly visible on the camera system's monitor and recordings. If City officials cannot clearly see activities inside the booths either on the camera system's monitor or recordings, then the Video Arcades must raise the light level inside the booths to the point where the activities are clearly visible.

(f) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(g) No viewing room or booth may be occupied by more than one person at any time.

(h) No opening of any kind shall exist between viewing rooms or booths.

(i) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booth or room, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

(j) The operator of the sexually oriented business, either personally or through an agent or employee, shall regularly during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(k) The operator of the sexually oriented business, either personally or through an agent or employee, shall regularly during each business day clean the viewing booths.

(l) The operator of the sexually oriented business, either personally or through an agent or employee, shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(m) The operator of the sexually oriented business, either personally or through an agent or employee, shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

Section 237.04 Minors Prohibited; When

(a) No unmarried person under 18 years of age shall enter any part of an Arcade in that all of the booths are used to present filmed, taped, or live entertainment which is charac-

terized by its emphasis on specified sexual activities or specified anatomical areas.

(b) If any of the booths in an Arcade are used to present filmed, taped, or live entertainment that is characterized by its emphasis on specified sexual activities or specified anatomical areas, no unmarried person under 18 years of age shall enter any of the booths that are used in this way.

(c) No operator, either personally or through an agent or employee, shall permit any unmarried person under 18 years of age to enter a picture arcade in violation of division (a) of this section or a booth in violation of division (b) of this section.

Section 2. That existing Sections 237.01, 237.02, 237.03, and 237.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1520-03, passed January 26, 2004, are repealed.

Section 3. That within 10 days of the passage of this legislation, the Director of Public Health shall send a notice, by certified and regular mail, to all Adult Video Arcades and Adult Live Entertainment Arcades located in the City of Cleveland, informing them of the passage of this legislation and providing them with a copy of this legislation.

Section 4. That lawfully established Adult Video Arcades and Adult Live Entertainment Arcades in existence on the date of the passage of this legislation will have until 60 days after the effective date of this legislation, to come into compliance with the law. All other businesses must be in compliance from the effective date of this legislation.

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 652-05.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install escalator safety brushes on escalators located throughout the Convention Center, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install escalator safety brushes on escalators located throughout the Convention Center, to be purchased by the Com-

missioner of Purchases and Supplies for a gross price, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 11 SF 006 and 20 SF 332, Request No. 120381.

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 June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 656-05.
By Council Members Cimperman, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 340.01 to 340.07; relating to Institutional-Research Districts; and to enact new Sections 325.501, 325.471, and 325.570, relating to definitions.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 340.01 to 340.07, 325.501, 325.471, and 325.570 and to read as follows:

CHAPTER 340
Institutional-Research (I-R)
Districts

Section 340.01 Purpose

The Institutional-Research (I-R) District is established to provide appropriate locations and design standards for large-scale developments of educational and medical institutions, other institutions, research facilities and professional offices, as well as residential and retail uses supportive of the principal institutional and research-related uses. An ordinance of Council is required to zone properties as I-R.

Section 340.02 Permitted Main Uses

In an Institutional-Research District, the following uses are permitted as main uses:

(a) hospitals, medical clinics, medical office buildings, and similar medical institutions;

(b) nursing homes, assisted living residences, and mental health centers;

(c) primary and secondary schools, colleges, universities, trade schools, and similar educational institutions;

(d) museums and libraries;

(e) places of worship and associated office and classroom space;

(f) parks, playgrounds and playfields;

(g) arenas, stadiums and indoor recreation facilities if public or if associated with a permitted institutional use;

(h) professional offices and offices of community and civic organizations;

(i) research laboratories including research laboratories with light assembly;

(j) hotels and motels;

(k) multi-family residential buildings, live-work units, and correctional halfway houses.

Section 340.03 Permitted Accessory Uses

In an Institutional-Research District, the following uses are permitted as accessory uses to permitted main uses.

(a) pharmacies, optical stores, medical supply stores and similar uses located in a hospital, medical clinic or medical office building as an accessory use;

(b) restaurants, coffee shops and other eating establishments, grocery stores, gift shops, newsstands, book stores, barber shops, beauty parlors, and similar uses accessory to a permitted main use and located within the building occupied by the main use;

(c) dormitories and other student housing accessory to a permitted educational institution;

(d) child day care centers and adult day care centers accessory to permitted main uses;

(e) theaters and performing arts centers accessory to an educational institution;

(f) parking lots and parking garages accessory to permitted main uses;

(g) all uses permitted as main uses.

Section 340.04 Permitted Conditional Uses

In an Institutional-Research District, the following uses are permitted as conditional uses, subject to approval by the City Planning Commission in accordance with the provisions of Section 340.05.

(a) book stores, stationary stores and gift shops;

(b) office supply stores and computer stores;

(c) art shops and galleries;

(d) coffee houses and restaurants without drive-through facilities;

(e) grocery stores;

(f) banks;

(g) dry cleaners and tailors;

(h) barber shops and beauty parlors;

(i) pharmacies.

Section 340.05 Approval of Conditional Uses

The City Planning Commission shall approve a conditional use in an I-R District only if it determines that the proposed use, by virtue of its location, size, layout and design, will function principally to support the institutional and research uses in the district, and will contribute to the creation or maintenance of a vibrant, pedestrian-oriented, mixed-use district.

Section 340.06 Site Plan and Design Review

No Building Permit shall be issued for the construction of a new building in an Institutional-Research District without the approval of the site plan and building design by the City Planning Commission or its Director, in accordance with rules promulgated by the Commis-

sion and in accordance with the following standards.

(a) *Master Plan.* In reviewing development proposals in an Institutional-Research District, the City Planning Commission shall assess the development's consistency with any applicable master plan that has been adopted or accepted by the Commission. If no current master plan for the district is available to the Commission, the Commission may request submission of a master plan from an organization deemed responsible for preparation of a plan for the district.

(b) *Urban Form.* Except where such design would be clearly inconsistent with the character of an area, new development should take an "urban form," characterized by multi-story buildings, streetside building placement, and parking located in garages or in lots behind buildings.

(c) *Architectural Design.* In addition to meeting high standards of architectural design, buildings should be compatible with nearby properties with respect to scale, height, setback, spacing, orientation to existing streets, architectural style, materials, and colors. Variations and innovations in design are, however, encouraged in order to achieve visual interest and to create distinct identities for individual buildings and districts. The goal is compatibility in design, not uniformity.

(d) *Pedestrian, Bicyclist and Transit Access.* Developments should be designed to facilitate safe and convenient access by pedestrians and bicyclists and to facilitate use of public transit.

(e) *Parking and Circulation.* Developments should be designed to provide adequate and convenient off-street and on-street parking and to utilize opportunities for parking that is shared by buildings and uses. Streets, driveways, sidewalks and paths should be designed in a manner that facilitates safe and convenient circulation for motorists, pedestrians, bicyclists and transit users.

(f) *Landscaping and Open Space.* Developments should include landscaped areas and open spaces that enhance the appearance of a property and provide areas for recreation and scenic enjoyment, while meeting the environmental design standards of this Section.

(g) *Environmental Design.* Developments should incorporate "sustainable" building techniques and other measures, as feasible, in order to conserve energy, minimize water usage, recycle wastes, re-use building materials, and to achieve other goals that promote environmental sustainability.

Section 340.07 Off-Street Parking Requirements

Off-street parking for individual uses in an Institutional-Research District shall be provided in accordance with the regulations of Section 349.04. Proposals for shared parking shall be submitted and reviewed in accordance with the provisions of Section 349.10, 349.11 and 349.12.

Section 325.401 Light Assembly

The assembly of premanufactured parts into finished products by use of small power tools and/or hand tools and such jigs and fixtures as are necessary, but specifically excluding any forging, metal stamping, shearing or casting operations.

Section 325.471 Mental Health Center

An institution providing in-patient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and others needing psychological therapy but which does not serve as a residence for such individuals.

Section 325.570 Research Laboratory

A facility for scientific research, testing, experimentation, or product development but not primarily for manufacture, sale or storage of products.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 674-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Office of Domestic Preparedness for the 2004 FEMA Assistance to Firefighters Grant; and to enter into one or more requirement contracts necessary for the purchase of equipment and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$555,800, from United States Office of Domestic Preparedness to conduct the 2004 FEMA Assistance to Firefighters Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 674-05-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$238,200, payable from Fund No. 11 SF 006, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and training needed to implement the program. Bids shall be taken in

a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That 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 June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 699-05.
By Council Members Coats, Polensek, 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 County of Cuyahoga for the cost of repairing and resurfacing St. Clair Avenue from East 140th Street to the east corporation line.

Whereas, in Ordinance No. 1076-94, passed June 13, 1994, this Council gave consent to the Commissioners of Cuyahoga County, Ohio for repairing and resurfacing St. Clair Avenue from East 140th Street to the east corporation line; and

Whereas, this Council authorized the City to cooperate with the State of Ohio in the cost of the above-referenced agreement; and

Whereas, the City's share of the cost of the improvement is cur-

rently estimated to be \$660,000.00; 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 County of Cuyahoga of the City's share of repairing and resurfacing St. Clair Avenue from East 140th Street to the east corporation line, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, and 20 SF 500, Request No. 157303.

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 June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 700-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cudell Improvement, Inc. to encroach into the public right-of-way of Lorain Avenue from West 90th Street to West 100th Street with 30 hanging planters between May 1st and September 30th yearly using 7-CPP and 8-CEI utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Cudell Improvement Inc. to encroach into the public right-of-way above Lorain Avenue from West 90th Street to West 100th Street by installing, using, and maintaining 30 hanging planters to be attached to seven (7) Cleveland Public Power and eight (8) CEI utility poles (by separate permission) between May 1st and September 30th yearly at the locations more fully described as follows:

<u>Locations:</u>	<u>Pole# & Owner:</u>	<u>Attachment:</u>
9933 Lorain Ave.	AOM-22-62/CPP	Flower Baskets
9901 Lorain Ave.	AOM-22-64/CPP	Flower Baskets
9807 Lorain Ave.	AOM-22-67/CPP	Flower Baskets
S.E. Cor. W. 98th St.	AOM-22-68/CPP	Flower Baskets
9709 Lorain Ave.	AOM-22-71/CPP	Flower Baskets
9615 Lorain Ave.	AOT-22-73/CPP	Flower Baskets
9437 Lorain Ave.	AOT-15-64/CPP	Flower Baskets
9402 Lorain Ave.	13724/CEI	Flower Baskets
9428 Lorain Ave.	None/CEI	Flower Baskets
9508 Lorain Ave.	13722/CEI	Flower Baskets
9600 Lorain Ave.	13626/CEI	Flower Baskets
9700 Lorain Ave.	13727/CEI	Flower Baskets
9740 Lorain Ave.	13729/CEI	Flower Baskets
9840 Lorain Ave.	530319/CEI	Flower Baskets
9918 Lorain Ave.	None/CEI	Flower Baskets

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

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

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

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

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 701-05.

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

An emergency ordinance authorizing the Director of Public Service to enter into a Local Project Administration agreement with the Ohio Department of Transportation to partially fund and construct the rehabilitation of a portion of Detroit Avenue; to employ one or more professional consultants necessary to design the improvement; determining the method of making the public improvement; and authorizing the Director to enter into one or more public improvement contracts to construct the improvement.

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

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

Section 1. That the Director of Public Service is authorized to enter into a Local Project Administration Agreement ("LPA") with the Ohio Department of Transportation ("ODOT") to partially fund and construct the rehabilitation of Detroit Avenue between West 73rd Street and the City west corporation line (the "Improvement").

Section 2. That, provided ODOT's application for funding under the ODOT Transportation Enhancement Rural Program is approved and the City offers and sells general obligation bonds for 2005 which include this purpose, the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 3. That, provided ODOT's application for funding under the ODOT Transportation Enhancement

Rural Program is approved and the City offers and sells general obligation bonds for 2005 which include this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the cost of the contracts authorized shall be paid from the fund or funds which are credited the proceeds of the sale of 2005 general obligation bonds which include this purpose and from the fund or funds which are credited the funds received from ODOT which are appropriated for this purpose, Request No. 149400.

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

Passed June 6, 2005.

Effective June 7, 2005.

Ord. No. 704-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor, materials, and equipment to clear storm sewer at Enginehouse 20, including but not limited to cutting, removing and replacing pavement, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor, materials, and equipment to clear storm sewer at Enginehouse 20, including but not limited to cutting, removing and replacing pavement, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Property Management, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 156878.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 705-05.

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

An emergency ordinance to appropriate property for the public purpose of developing a park on Ansel Road near Korman Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1966-04, adopted November 15, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of developing a park on Ansel Road near Korman Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of developing a park on Ansel Road near Korman Avenue, the following described fee simple interests are appropriated:

P. P. No. 107-04-029

Ansel Road near Korman Avenue. Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 46 in Zenas King's Subdivision of part of Original One Hundred Acre Lots Nos. 367 and 375, as shown by the recorded plat in Volume 14 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Ansel Road, N.E., 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 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 753-05.**By Mayor Campbell.**

An emergency ordinance to clarify the deposit of transfer fees, payments, and contributions from CT Acquisitions I and Dominion Cleveland Thermal, Inc. described in Ordinance No. 1519-04, passed October 25, 2004, and to authorize the Director of Parks, Recreation, and Properties to enter into an agreement with The Cleveland Foundation to administer a grant program to enhance public spaces located in the City of Cleveland.

Whereas, this Council passed Ordinance No. 1519-04 on October 25, 2004, authorizing the transfer of the franchise for the transmission and supply of steam and water for heating, cooling, and power purposes from Dominion Cleveland Thermal, Inc. to CT Acquisitions I Inc.; and

Whereas, Section 2 of Ordinance No. 1519-04 describes the franchise agreement, as amended, in its entirety; and

Whereas, Section 1A, Transfer Fee, and Section 1B, Payments, of the franchise agreement, as described in Section 2 of Ordinance No. 1519-04, provide that the transfer fee and payments by CT Acquisitions I Inc., together with any payments or contributions made by Dominion Cleveland Thermal, Inc. and not yet expended, shall be deposited in the City's general fund and expended only through legislation passed by City Council; and

Whereas, this Council desires to clarify the deposit of transfer fees, payments, and contributions from CT Acquisitions I Inc. and Dominion Cleveland Thermal, Inc. described in Section 2 of Ordinance No. 1519-04; 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 transfer fees and payments under the franchise agreement with CT Acquisitions I Inc., and the payments or contributions made by Dominion Cleveland Thermal, Inc. and not yet expended, described under Section 1A and Section 1B in Section 2 of Ordinance No. 1519-04, passed October 25, 2004, shall be deposited in Fund No. 10 SF 350 and shall be expended only through legislation passed by City Council.

Section 2. That the Director of Parks, Recreation, and Properties is authorized to enter into an agreement with The Cleveland Foundation to administer a grant program to enhance public spaces located in the City of Cleveland. The agreement authorized shall be prepared by the Director of Law, shall contain any additional terms and conditions that the Director deems necessary to protect and benefit the public interest, shall not exceed \$75,000, and shall be paid from Fund No. 10 SF 350.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 761-05.**By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to enter into an amendment to Contract No. 61844 with Kenmore Construction Co., Inc., for the continuation of pavement grinding services, for the Division of Streets, Department of Public Service, for a period not to exceed five months.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service is authorized to enter into an amendment to Contract No. 61844 with Kenmore Construction Co., Inc. for pavement grinding services to extend the term of its existing contract from August 6, 2005 to December 31, 2005, in order to complete the 2005 resurfacing program without interruption, at the current contract prices.

Section 2. That the amendment shall be prepared by the Director of Law.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 763-05.**By Council Members Reed and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2005 Edward Byrne Memorial Justice Assistance Grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$435,994, from the United States Department of Justice to conduct the 2005 Edward Byrne Memorial Justice Assistance 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 application for the grant contained in the file described below.

Section 2. That the application for the grant File No. 763-05-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 764-05.**By Council Members Johnson and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more Concession Agreements for the operation of first class food and beverage service at Convention Center and other City-owned or City-leased facilities under the control of the Director of Parks, Recreation and Properties, for a period not to exceed seven 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is authorized to enter into one or more Concession Agreements on the basis of competitive proposals for the operation of first class food and beverage service at Convention Center and other City-owned or City-leased facilities under the control of the Director of Parks, Recreation and Properties. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties. The concession fee to be paid to the City shall be fixed by the Board of Control. Each Concession Agreement shall not exceed a term of seven years.

Section 2. That the Concession Agreement or Agreements shall be prepared by the Director of Law.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 766-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to sublease property at 3207 Franklin Boulevard near Ohio City Near West Development Corporation, for a term to run conterminously with the Ohio City's ground lease, for the public purpose of improving and expanding Fairview Park.

Whereas, the County of Cuyahoga ("County") owns property located at 3207 Franklin Boulevard; and

Whereas, the County currently leases that property to the Ohio City Near West Development Corporation ("Ohio City") for charitable and/or public purposes, through its original lease, as amended ("Ground Lease"); and

Whereas, Ohio City desires to sublease to the City of Cleveland a portion of the premises identified in the Ground Lease described above to be used to improve and expand Fairview Park; and

Whereas, under the authority of Ordinance No. 2151-03, passed December 15, 2003, as amended by Ordinance No. 1308-04, passed August 11, 2004, Ordinance No. 2365-04, passed January 24, 2005, and Ordinance No. 278-05, passed March 21, 2005, this Council authorized, among other things, authority for the Director of Parks, Recreation and Properties to enter into one or more contracts for constructing, rehabilitating, renovating, replacing, or otherwise improving City-owned or City-leased parks and recreation facilities, and their design; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to sublease from Ohio City certain property more fully described as follows:

Permanent Parcel Nos. 003-31-002,
003-31-003 and 003-31-028
Proposed Lot Split
City of Cleveland and County of
Cuyahoga Parcel

Situated in the City of Cleveland,
County of Cuyahoga and State of

Ohio and known as being parts of Sublot Numbers 4 and 5 in the Taylor Farm Allotment of part of Original Brooklyn Township Lot Number 51 as shown by the recorded plat in Volume 2 of Maps, Page 22 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Westerly line of West 32nd Street, (50 feet wide) measured along said Westerly line, about 327.00 feet Southerly of the Southerly line of Franklin Boulevard S.W. (66 feet wide); thence along a line parallel with the Southerly line of said Franklin Boulevard N.W. and 320.00 feet Southerly therefrom about 195.00 feet to a point in the Westerly line of the Cuyahoga County Board of Commissioners parcel recorded in Volume 9960, Page 36 of Cuyahoga County Records, said point being 320.00 feet Southerly of the Southerly line of said Franklin Boulevard N.W.; thence Southerly along said Westerly line of land so conveyed, 36.00 feet to an angle point therein; thence along the irregular Southwesterly line of land so conveyed, about 59.00 feet to an angle point therein; thence continuing along said irregular Southwesterly line about 121.00 feet to an angle point therein; thence continuing along said irregular Southwesterly line about 141.00 feet to a point at the Southerly line of said land as conveyed to the County Commissioners Board of Cuyahoga County in Volume 8263, Page 634; thence Easterly, along a line parallel with and distant Northerly by rectangular measure about 147.00 feet from the Northerly line of Woodbine Avenue N.W., 87.00 feet to its intersection with the Westerly line of said West 32nd Street; thence Northerly, along said Westerly line of West 32nd Street, about 364.00 feet to the principal place of beginning containing approximately 39,580 sq. ft. or 0.9086 acre of land.

Section 2. That the term of the sublease authorized by this ordinance shall run conterminously with the term of the Ground Lease and shall terminate on the same date as the Ground Lease terminates.

Section 3. That the rent for the sublease authorized by this ordinance shall be fair market value as determined by the Board of Control.

Section 4. That the sublease may authorize the City to make improvements to the premises identified in Section 1 of this ordinance under terms to be determined by the parties consistent with the public purpose or purposes of improving and expanding Fairview Park.

Section 5. That the sublease 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 sublease shall be paid from the appropriate fund or funds to be determined by the Director of Finance.

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

Section 8. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take

such other actions as may be necessary or appropriate to effect the sublease 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 782-05.

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

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1855-04, passed December 6, 2004; to supplement the ordinance by adding new Section 4; and to renumber existing Section 4 to new Section 5, relating to the Director of City Planning applying for and accepting a grant from the Cleveland Foundation for the Connecting Cleveland 2020 Citywide Plan Program and authorizing professional services necessary to implement the grant.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 1855-04, passed December 6, 2004, are amended to read as follows:

An emergency ordinance authorizing the Director of City Planning to apply for and accept a grant from the Cleveland Foundation for the Connecting Cleveland 2020 Citywide Plan Program; and authorizing the Director to enter into one or more contracts with Dennis Dooley and the Kent State Urban Design Center for professional services necessary to implement the grant.

Section 1. That the Director of City Planning is authorized to apply for and accept a grant in the amount of \$40,000, from the Cleveland Foundation to conduct the Connecting Cleveland 2020 Citywide Plan 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 proposal for the grant contained in the file described below.

Section 2. That the proposal for the grant, File No. 1855-04-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$15,000, from the fund or funds designated by the Director of Finance, is approved in all respects.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1855-04, passed December 6, 2004, are repealed.

Section 3. That Ordinance No. 1855-04, passed December 6, 2004 is supplemented by adding new Section 4 to read as follows:

Section 4. That the Director of City Planning is authorized to enter into one or more contracts with the Kent State Urban Design Center for professional services necessary to implement the grant as described in the file, for the Department of City Planning. The contract or contracts shall be paid from the fund or funds which are credited to the grant proceeds accepted under this ordinance and the cash match.

Section 4. That existing Section 4 of Ordinance No. 1855-04, passed December 6, 2004 is renumbered to new "Section 5".

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 810-05.

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

An emergency ordinance determining the method of making the public improvement of maintaining detention basins, detention facilities and structures and authorizing the Director of Public Utilities 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, this Council determines to make the public improvement of maintaining detention basins, detention facilities and structures, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pol-

lution Control, 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 3. 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 150096)

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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 811-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating main sewers and sewer connections and authorizing the Director of Public Utilities 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, this Council determines to make the public improvement of rehabilitating main sewers and sewer connections, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to make one or more written requirement contracts under the Charter

and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period 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 the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, 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 3. 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 150105)

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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 812-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspections, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of diving and underwater inspections, 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 Water, Department of 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 159348)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 813-05.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain pump stations, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to 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 repair and maintain pump stations, 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 Water Pollution Control, 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 150087)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 814-05.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop and implement a Human Resources Enhancement Program; and authorizing the purchase by one or more requirement contracts of computer hardware, software, and equipment, supplies, and services, including maintenance and training, necessary to implement the program; and authorizing the Director to acquire one or more software licenses, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop and implement a comprehensive Human Resources Enhancement Plan ("HREP") for the Division of Water, including but not limited to, assessing and recommending alternatives, designing a HREP plan, recommending pilot programs, recommending a human resources organization structure and staffing competencies, developing a comprehensive program management plan, performing an impact study, performing risk analyses, and supporting professional development activities

of targeted staff necessary to perpetuate the HREP.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop, design and/or install computer software which may be necessary to implement HREP for the Division of Water, including training and maintenance, for a period not to exceed three years. The Director of Public Utilities is authorized to acquire one or more software licenses from one or more consultants, computer software developers, or vendors or more firms of consultants, computer software developers, or vendors necessary for HREP.

Section 3. The selection of the 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 employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 4. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years of the necessary items of computer hardware, software acquired under any this section only, equipment, supplies, and services, and maintenance on items acquired under this section only, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, 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 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities 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 6. That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 7. That the total cost of the contracts authorized under Sections 1, 2, and 3 of this ordinance shall not exceed \$350,000.

Section 8. That the costs of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159352)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 815-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Mincom, Inc. for professional services necessary to maintain Mincom/Ellipse software, including technical support, for a period of three years.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Mincom, Inc. for professional services necessary to maintain Mincom/Ellipse software, including technical support, for a period of three years, on the basis of its proposal dated March 22, 2005, in the total sum of \$85,000, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 54 SF 001, Request No. 150097.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 816-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties 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 food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, 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 Recreation, Department of Parks, Recreation and Properties. 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 136977)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Parks, Recreation and Properties may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 820-05.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of the Cornell Road bridge; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and to amend Section 4 of Ordinance No. 2011-04, passed December 13, 2004, relating to professional services and right-of-way acquisition for the improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$840,000 and any other funds that may become available for this project, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating the Cornell Road bridge; that the Mayor 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 this ordinance.

Section 2. That the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$400,000, from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued which are authorized for this purpose, is approved in all respects.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City sells the general obligation bonds which are issued for this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any com-

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

Section 5. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds which are authorized this purpose and from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 6. That Section 4 of Ordinance No. 2011-04, passed December 13, 2004, is amended to read as follows:

Section 4. That the cost of contract or contracts and property acquisition authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 394, 20 SF 500, and from the fund or funds which are credited the proceeds of the sale of general obligation bonds which are authorized for this purpose and from the fund or funds which are credited any grant proceeds which include this purpose, Request No. 149312.

Section 7. That existing Section 4 of Ordinance No. 2011-04, passed December 13, 2004, is repealed.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 821-05.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the reconstruction of Jennings Road; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and to amend Section 2 of Ordinance No. 2302-04, passed December 13, 2004, relating to professional services for the improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$3,976,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of reconstructing Jennings Road from Spring Road to Interstate 176; that the Mayor 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 this ordinance.

Section 2. That the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$994,000, from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized for this purpose, is approved in all respects.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City sells the general obligation bonds which are issued for this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized this purpose and from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 6. That Section 2 of Ordinance No. 2302-04, passed December 13, 2004, is amended to read as follows:

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 394, 20 SF 500, and from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized this purpose and from the fund or funds which are credited any grant proceeds which include this purpose, Request No. 149359.

Section 7. That existing Section 2 of Ordinance No. 2302-04, passed December 13, 2004, is repealed.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 822-05.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of Carnegie Avenue; determining the method of making the public improvement; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$3,145,600, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Carnegie Avenue from East 9th Street to Cedar Road; that the Mayor 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 this ordinance.

Section 2. That the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$786,400, from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized for this purpose, is approved in all respects.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City sells the general obligation bonds which are issued for this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds issued for 2005 which are authorized this purpose and from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 6. That this ordinance is declared to be an emergency 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 823-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes the real property that is necessary to make the public improvement of repairing and resurfacing St. Clair Avenue.

Whereas, under Ordinance No. 1076-94, passed June, 13, 1994, this Council authorized their consent for the City to cooperate with the State of Ohio and the County of Cuyahoga in the repair and resurfacing of St. Clair Avenue from East 72nd Street to the Cleveland east corporation line; and

Whereas, the consent agreement authorized by the above ordinance stated that if any additional right-of-ways are required, that the City will arrange to acquire it; and

Whereas, additional right-of-way acquisitions are necessary for this improvement; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes the real property that is necessary to make the improvement of repairing and resurfacing St. Clair Avenue from East 72nd Street to the Cleveland east corporation line, which was authorized by Ordinance No. 1076-94, passed June, 13, 1994.

Section 2. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 3. That the cost of the property acquisition shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, and 20 SF 500, Request No. 157353.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 824-05.

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

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2006 Recycle, Ohio! Program; authorizing said Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of equipment and supplies for the program.

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

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

Section 1. That the Director of Public Service is authorized to apply for and accept a grant in the approximate amount of \$215,000 from the Ohio Department of Natural Resources, for the 2006 Recycle, Ohio! Program, for the purposes in the summary and according thereto; that the Director of Public Service 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.

Section 2. That the summary for the grant, File No. 824-05-A made a part as if fully rewritten, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median county per capita income (MCPCI) of the State of Ohio, payable from Fund No. 01-400307-639905, is approved in all respects.

Section 3. That the Director of Public Service is authorized to enter into an agreement with the Ohio Department of Natural Resources to implement the program.

Section 4. That the Director of Public Service is authorized to enter into one or more contracts with various agencies for the implementation and operation of the program.

Section 5. That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and supplies necessary for implementation and operation of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner which permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall

determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

The cost of the contracts 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.

Section 6. That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 825-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diesel fuel, will call, 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 diesel fuel, will call, 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 154140)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 826-05.

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 Commis-

sioner 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 154139)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 827-05.

By Council Members Britt, 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 rehabilitating the Adelbert Road Bridge; and authorizing the director to, to accept from University Circle, Inc. a cash donation for lighting and fence improvements on the bridge between Circle Drive and Murray Hill Road.

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 rehabilitating the Adelbert Road Bridge.

Section 2. That the Director of Public Service is authorized to accept, on behalf of the City of Cleveland, a cash contribution from University Circle, Inc. in an amount of \$30,000 to be used for lighting

and fence improvements on the Adelbert Road Bridge between Circle Drive and Murray Hill Road.

Section 3. That the costs of the payment to the State of Ohio shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and from the fund or funds which are credited the cash donation from University Circle, Inc. for lighting and fence improvements on the Adelbert Road Bridge, Request No. 149398.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 828-05.

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

An emergency ordinance cooperating with the Board of Commissioners of Cuyahoga County for the repair and resurfacing of Lee Road from Miles Avenue to the Cleveland north corporation line; authorizing the Director of Public Service to enter into any relative agreements; determining the method of making the public improvement; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the City of Cleveland cooperates with the Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: the repair and resurfacing of Lee Road (CR-8) from Miles Avenue to the Cleveland north corporation line (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement. If funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds will be deducted from designated project costs prior to the application of the participatory percentages.

Section 3. That the County shall contribute eighty percent (80%) of the cost of construction and construction supervision which is determined to be eligible by the Cuyahoga County Engineer's policies up

to a maximum of \$960,000. The anticipated construction cost for this project is \$1,200,000 to determine funding eligibility, the County shall be notified immediately of any significant changes to the scope of work and/or construction cost.

Section 4. That within the corporate limits of the City, the City shall contribute twenty percent (20%) of the cost of construction and construction supervision determined to be eligible by the Cuyahoga County Engineer's policies and one hundred percent (100%) of the cost of engineering, right-of-way, contract administration, and construction and construction supervision determined not eligible by the Cuyahoga County Engineer's policies. Any terms appearing elsewhere in this Agreement which vary from those set forth in this paragraph shall take precedence.

Section 5. That the Director of Public Service is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 6. That on completion of the Improvement, the City will:

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

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code; and

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 7. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

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

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) That the City will make arrangements with and obtain agree-

ments from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in a manner as to be clear of any construction called for by the plans of the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) That the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions (a), (b), (e), (f), (g) of this section.

(j) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid manual are met.

(k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

Section 8. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the City will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current engineering practices and principles.

(b) That the City will arrange for the supervision and administration

of the construction contract for the Improvement. That the County will review the construction plans for conformance with division (a) of this section. County approval of plans and specifications is required prior to the award of the construction contract. The County will make an inspection of the completed project.

(c) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

(d) That if the Improvement is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

Section 9. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 10. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 11. That the cost of the improvement authorized shall be paid from the fund or funds to which are credited the County's contribution toward the Improvement, and which funds are appropriated for this purpose, and from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, Request No. 149396.

Section 12. 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 June 6, 2005.

Effective June 13, 2005.

**Ord. No. 830-05.
By Council Member Zone (by request).**

An emergency ordinance to vacate a portion of Side Avenue N.W.

Whereas, under Resolution No. 1485-04, adopted October 11, 2004, amended by Ordinance No. 2704-04, passed January 31, 2005, this Council declared its intention to vacate a portion of Side Avenue N.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections

would be heard before the Board of Revision of Assessments; and

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

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being known as all that portion of the southerly 12 feet of Side Avenue N.W. (width varies) extending from the Easterly line of West 58 Place (13.50 feet wide) Easterly to the West line of the William Wessing Allotment as shown by the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water 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 Commissioner of 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.

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 831-05.
By Council Members Jackson, Sweeney and Cimperman (by departmental request).

An emergency ordinance to vacate a portion of the first unnamed alley west of East 79th Street.

Whereas, under Resolution No. 1965-04, adopted December 13, 2004, this Council declared its intention to vacate a portion of the first unnamed alley west of East 79th Street; and

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

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

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of the first unnamed alley (12 feet wide), West of East 79th Street (50 feet wide) extending northerly from the North line of Central Avenue (60 feet wide) to the South line of Sublot 26 in Fenton & Cody's Subdivision as shown in Volume 15 Page 35 of the Cuyahoga County Map Records.

Legal description approved by Greg J. Esber, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for 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 SBC and the City of Cleveland.

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 832-05.
By Council Members Jackson, Sweeney and Cimperman (by departmental request).

An emergency ordinance to vacate a portion of East 43rd Place.

Whereas, under Resolution No. 1856-04, adopted December 13, 2004, this Council declared its intention to vacate a portion of East 43rd 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 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of East 43rd Place (40 feet wide) extending Southerly from the Southerly line of Pershing Avenue S.E. (60 feet wide) to the Northerly line of that portion of East 43rd Place vacated by Ordinance No. 1795-42 passed January 18, 1943.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for 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 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.

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 833-05.
By Council Members Sweeney,
Cimperman, and Jackson (by de-
partmental request).**

**An emergency ordinance to vacate
a portion of Old Grayton Road, S.W.**

Whereas, under Resolution No. 2239-04, adopted January 31, 2005, this Council declared its intention to vacate a portion of Old Grayton Road, S.W.; and

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

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

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Rockport Township Lot No. 4, further bounded and described as follows:

Beginning in the Northerly line of Brookpark Road, S.W. (100 feet wide) at its intersection with the Northwesterly line of Old Grayton Road, S.W. (60 feet wide);

thence North 37° 43' 44" East along said Northwesterly line, 916.13 feet to a point in the Southeasterly line of Relocated Old Grayton Road, S.W. (60 feet wide) as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records; Thence along said Southeasterly line, being the arc of a curve deflecting to the left, an arc distance of 123.28 feet. Said curve having a radius of 410.00 feet, a central angle of 17° 13' 42", and a chord bearing North 45° 31' 06" East, 122.82 feet to a point in the Southwesterly line of a parcel of land conveyed to the State of Ohio by deed dated December 27, 1968 and recorded in Volume 12384, Page 917 of Cuyahoga County Records;

thence South 67° 22' 57" East along said Southwesterly line, 12.68 feet to its intersection with the Southeasterly line of Old Grayton Road, S.W.;

thence South 22° 37' 02" West along said Southeasterly line, 119.34 feet to an angle point therein;

thence South 37° 43' 44" West along said Southeasterly line, 807.39 feet to a point of curvature therein;

thence along the arc of a curve deflecting to the left, an arc distance of 78.18 feet. Said curve having a radius of 35.00 feet, a central angle of 127° 57' 44", and a chord bearing South 26° 15' 10" East, 62.91

feet to a point of tangency on the Northerly line of Brookpark Road, S.W.;

thence South 89° 45' 56" West along said Northerly line, 147.80 feet to the place of beginning.

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

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.

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 834-05.
By Council Members Zone,
Sweeney, Cimperman and Jackson
(by request).**

**An emergency ordinance to vacate
a portion of Pease Court N.W.**

Whereas, under Resolution No. 2371-04, adopted January 31, 2005, this Council declared its intention to vacate a portion of Pease Court NW; and

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

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

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 29 and all that portion of Pease Court (12 feet wide) extending Westerly from the Westerly Right of Way of West 79th Street (29 feet wide) to the Northerly prolongation of the East line of Sub Lot No. 58 in the Chas. Pease Subdivision as shown in Volume 20 Page 12 of the Cuyahoga County Map Records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for 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 SBC and the City of Cleveland.

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

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

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 835-05.
By Council Member Johnson.
An emergency ordinance to vacate
a portion of Woodhill Court S.E.**

Whereas, under Resolution No. 71-04 adopted March 22, 2004, this Council declared its intention to vacate a portion of 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 April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

a municipal department; now, therefore

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being known as all that portion of:

WOODHILL COURT S.E. (10.00 feet wide) extending Easterly from the Easterly line of Ambler Street S.E. (width varies) to the Westerly line of Woodhill Road S.E. (80.00 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 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 Commissioner of 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.

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 836-05.

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

An emergency ordinance authorizing the purchase by one or more contracts labor and materials necessary to maintain, repair and test the life safety system at the Cleveland Convention Center, for a period of one year with an additional one-year option to renew.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to maintain, repair and test the life safety system at the Cleveland Convention Center for a gross price, for a period of one year, with one option to

renew for one additional year, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 67 SF 001, Request No. 120384.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 837-05.

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

An emergency ordinance determining the method of making the public improvement of constructing general improvements to the Willard Park garage; and authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing general improvements to the Willard Park garage, for the Division of Parking Facilities, Department of Recreation and Properties, 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 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding 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 the trades or components may be the subject of a separate contract for a gross price. On 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 3. That the cost of the improvement authorized by this ordinance shall not exceed \$200,000 and shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142496.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 838-05.

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

An emergency ordinance determining the method of making the public improvement of constructing general improvements to the Gateway garages; and authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing general improvements to the Gateway garages, for the Division of Parking Facilities, Department of Recreation and Properties, 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 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding 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 the trades or components may be the subject of a separate contract for a gross price. On 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 3. That the cost of the improvement authorized shall not exceed \$50,000 and shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142497.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 839-05.

By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of heating, ventilation, air conditioning, and refrigeration equipment, controls and related supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period of two years.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of heating, ventilation, air conditioning, and refrigeration equipment, controls and related supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. 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 156890)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Parks, Recreation and Properties may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 840-05.

By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more contracts of parking equipment, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: parking equipment to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

Section 3. That the cost of the contract or contracts authorized shall not exceed \$820,000 and shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142494.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 842-05.

By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more contracts of labor and materials to install a new sump pump system for the Willard Park Garage, including removing the old one and installing an interim system, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and

materials to install a new sump pump system for the Willard Park Garage, including removing the old one and installing an interim system to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142495.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 843-05.

By Council Members Johnson and Jackson (by departmental request). An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a computerized lighting system for the Willard Park Garage, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a computerized lighting system for the Willard Park Garage to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

Section 3. That the cost of the contract or contracts authorized shall

be paid from Fund Nos. 65 SF 003, 65 SF 005, and 65 SF 006, Request No. 142493.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 845-05.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 2006 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for the Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the approximate amount of \$250,000.00, from the Ohio Department of Education, to conduct the 2006 Summer Food Program for the purposes described in the program description; that the Director of Parks, Recreation and Properties 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 program description for the grant.

Section 2. That the program description for the grant, File No. 845-05-A, made a part hereof as if fully rewritten is approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties 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 months (June, July and August, 2006) for the breakfast, lunch and snack program to be served at nineteen City recreation centers and various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made

for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

Section 4. 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.

Section 5. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Parks, Recreation and Properties is authorized to make one or more written contracts with the following agencies and any additional agencies as determined by the Director for implementation of the 2006 Summer Food Program:

Broken Pieces Fellowship Church
Emile deSauze
R.G. Jones
Westown Community Center
2nd Calvary Baptist Church

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

Section 7. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

Section 8. 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.

Section 9. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

Section 10. 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 848-05.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hopkins Avenue to Northeastern Neighborhood Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 110-20-040, as more fully described below, to Northeastern Neighborhood Development Corporation.

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

P. P. No. 110-20-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 25 in the B. Carl Tremaines Hopkins Avenue Allotment of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 60 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Hopkins Avenue, N.E. and extending back 146.03, feet deep on the Westerly line, 146.54 feet on the broken Easterly line, which is also the Westerly line of East 117th Street, and having a rear line of 38.23 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 849-05.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Manor Avenue to Cleveland Screw Products, 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 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). 126-38-009, 126-38-010, 126-38-011 and 126-38-019, as more fully described below, to Cleveland Screw Products, Inc.

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

P. P. No. 126-38-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of the Westerly 30 feet of Sublot No. 17 in James W. Kingsbury's Subdivi-

sion which is on the Northerly line of Manor Avenue S.E.; thence North 76.50 feet along the Westerly line of Sub lot No. 17 to the principal place of beginning; thence North 63.50 feet to the Northwesterly corner of Sublot No. 17; thence East 30 feet; thence South 63.50 feet; thence West 30 feet to the principal place of beginning, be the same more or less, but subject to all legal highways. With an easement for egress and ingress through the Southerly part of Sublot No. 17 extending from the Northerly line of Manor Avenue, Northerly 76.50 feet on the stone walk 2' in width, the center line of which is approximately 4.40 feet West of the Easterly line of the 30 foot parcel, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

SUBJECT TO: Easement recited in Volume 8015, Page 630 of Cuyahoga County Records filed 2/10/54.

P. P. No. 126-38-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 17 and 18 in the Kingsbury Subdivision of part of Original One Hundred Acre Lot No. 432, as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Manor Avenue, S.E., at a point distant 10 feet Easterly measured along said Northerly line from the Southwest corner of said Sublot No. 18, said place of beginning being also the Southwest corner of land conveyed to Henry F. Tillman by deed dated September 29, 1910 and recorded in Volume 1295, Page 36 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Henry F. Tillman, 75 feet to the Southeast corner of Parcel No. 1 of land conveyed to Justine M. Gifford by deed dated December 14, 1943 and recorded in Volume 5662, Page 233 of Cuyahoga County Records; thence Westerly parallel with the Northerly line of Manor Avenue, S.E., and along the Southerly line of said Parcel No. 1 to the Easterly line of land conveyed to Mary J. Koma by deed dated November 6, 1925 and recorded in Volume 3330, Page 608 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Mary J. Koma, 75 feet to said Northerly line of Manor Avenue, S.E.; thence Easterly along said Northerly line of Manor Avenue, S.E. 30 feet to the principal place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 126-38-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 17 and 18 in the Kingsbury Subdivision of part of Original 100 Acre Lot No. 432, as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Manor Avenue at a point distant 10

feet Easterly measured along said Northerly line from the Southwest corner of Sublot No.18 said place of beginning being also the Southwest corner of land conveyed to Henry F. Tillman, by deed dated September 29, 1910 and recorded in Volume 1295, Page 36 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Henry F. Tillman, 75 feet to the principal place of beginning; thence Westerly and parallel with the Northerly line of Manor Avenue, S.E., 30 feet to the Easterly line of land conveyed to Mary J. Koma by deed dated November 5, 1925, and recorded in Volume 3330, Page 608 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Mary J. Koma, 65 feet to the Northerly line of said Sublot Nos. 17 and 18, thence Easterly 30 feet to the Northwesterly corner of land conveyed to Henry F. Tillman, thence Southerly 65 feet to the principal place of beginning, as appears by said plat, be the same more or less but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-38-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of the Westerly 30 feet of Sublot No. 17 in James W. Kingsbury Subdivision of part of Original One Hundred Acre Lot No. 432, as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records and being 30 feet front on the Northerly side of Manor Avenue, S.E., and extending back of equal width 76.50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to sidewalk ingress and egress recited in Volume 8015, Page 630 of Cuyahoga County Records filed February 10, 1954.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 850-05.
By Council Members Johnson, Gordon, Jackson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Manor Avenue to Kenneth Bender.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 126-39-029, as more fully described below, to Kenneth Bender.

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

P. P. No. 126-39-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in James W. Kingsbury's Subdivision of part of Original One Hundred Acre Lot No. 432, as shown by the recorded plat of said Subdivision in Volume 6 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 34 has a frontage of 50 feet on the Southerly side of Manor Avenue, S.E. 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.

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

Section 4. That the consideration for the subject parcel shall be estab-

lished by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 851-A-05 (As a substitute for Ordinance No. 851-05).
By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Lindsey Dozanti and Daniel Dozanti.

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). 118-27-039, as more fully described below, to Lindsey Dozanti and Daniel Dozanti.

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

P. P. No. 118-27-039

Parcel 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot Nos. 18 and 19 in the S.H. Stilson's Re-Allotment of part of Original One Hundred Acre Lot Nos. 336 and 339, as shown by the recorded plat in Volume 11 of Maps, Page 21 of Cuyahoga County Records, and

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

Beginning on the Westerly line if East 79th Street at the Northerly corner of land conveyed to William Chapmen by deed dated September 8, 1947 and recorded in Volume 6865, Page 180 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed 73 feet to the Southerly line of land conveyed to the Outdoor Investment Company by deed dated July 29, 1944 and recorded in Volume 5806, Page 633 of Cuyahoga County Records; thence Northerly the Easterly line of land so conveyed two feet six inches; thence Easterly parallel with the Northerly line of land conveyed to William Chapmen by deed dated September 8, 1947 as aforesaid about 73 feet to the Westerly line of East 79th Street; thence Southerly along the Westerly line of East 79th Street, 2 feet six inches to the place of beginning, as appears by said plat.

Parcel 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot Nos. 17, 18 and 19 in S.H. Stilson's Re-Allotment of Sublot Nos. 7, to 11 in S.H. Stilson's Allotment of a part of Original One Hundred Acre Lot Nos. 336 and 339 in said City, as shown by the recorded plat of said Re-Allotment in Volume 11 of Maps, Page 21 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Westerly line of East 79th Street, 140 feet Southerly from its intersection with the Southerly line of Carnegie Avenue, S.E. (80 feet wide) thence Westerly parallel with the Southerly lines of Sublot Nos. 17, 18 and 19, 142.13 feet to a point in the Westerly line of said Sublot No. 17, thence Southerly along the Westerly line of said Sublot No. 17, 40 feet; thence Easterly parallel with the Southerly line of said Sublots, 142.13 feet to the Westerly line of East 79th Street; thence Northerly, along the Westerly line of East 79th Street, 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting that part conveyed to Samuel and Josephine Bellante dated October 11, 1963 in Volume 10964, Page 53 of Cuyahoga County Records.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 858-05.
By Council Members Polensek, Gordon, Cimperman, and Jackson (by departmental request).
An emergency ordinance to appropriate property for the public purpose of the elimination of blight and prevention of its recurrence through planned, private redevelopment at various locations on St. Clair Avenue and East 162nd Street.

Whereas, the Council of the City of Cleveland, by Resolution No. 635-04, adopted July 14, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of the elimination of blight and prevention of its recurrence through planned, private redevelopment at various locations on St. Clair Avenue and East 162nd Street; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of the elimination of blight and prevention of its recurrence through planned, private redevelopment at various locations on St. Clair Avenue and East 162nd Street, the following described fee simple interests are appropriated:

705 East 162nd Street

Permanent Parcel No. 116-14-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 139 in Crosby's Allotment of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 9 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 162nd Street, (formerly Penn Street), and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

15601-03 St. Clair Avenue, N.E.

Permanent Parcel No. 115-24-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 28 and 29 in C. W. Moses and E.D. Burton's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat in Volume 9 of Maps,

Page 33 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northwesterly line of St. Clair Avenue, N.E., at its intersection with the Easterly line of East 156th Street, (formerly Putnam Street);

Thence Northeasterly along the Northwesterly line of St. Clair Avenue, N.E., about 99 feet to the Southeasterly corner of said Sublot No. 29;

Thence Northerly along the Easterly line of said Sublot No. 29, 171 feet 5 inches to the Northeasterly corner thereof;

Thence Westerly along the Northwesterly line of said Sublots Nos. 28 and 29, 90 feet to the Easterly line of East 156th Street;

Thence Southerly along the Easterly line of East 156th Street, 214 feet 4 inches to the place of beginning, as appears by said plat.

Permanent Parcel Nos.
115-28-001, 002, 003 and 004
15710 St. Clair Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 76, 77, 78 and 79 in The R. R. and P. P. Company's Five Points Allotment of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 63 of Maps, Page 32 of Cuyahoga County Records, and together forming a parcel of land 180 feet front on the Southeasterly side of St. Clair Avenue N.E., 143.73 feet deep on the Northeasterly line, which is also the Southwesterly line of Rondel Road, N.E., 140.33 feet deep on the Southwesterly line which is also the Northeasterly line of Royal Road N.E., and 179.86 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

707-711 East 162nd Street

Permanent Parcel Nos. 116-14-095
and 094

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

And known as being Sublot Nos. 140 and 141 in the Crosby's Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 9 of Maps, Page 25, of Cuyahoga County Records, and together forming a parcel of land 82 feet front on the Easterly side of East 162nd Street, and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 860-05.

By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 59771 with MidTown Associates, LLC to extend the term of the lease for the property at 3634 Euclid Avenue, for the Empowerment Zone.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 59771 between the City of Cleveland and MidTown Associates, LLC to extend the term of the lease for the property located at 3634 Euclid Avenue, for the Empowerment Zone, for an additional six months.

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the amendment shall be prepared by the Director of Law.

Section 3. That the costs of the amendment shall not exceed \$41,000 and shall be paid from Fund No. 18 SF 005, Request No. 123595.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 863-05.

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

An emergency ordinance authorizing the Director of City Planning to enter into one or more contracts with Cleveland Public Art for professional services necessary to administer the City's public art 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 City Planning is authorized to enter into one or more contracts with Cleveland Public Art for professional services necessary to administer the City's Public Art Program for calendar year 2005, in the total sum of \$35,000, for the Department of City Planning. The contracts or contracts shall be paid from Fund No. 01-999800-63800, Request No. 112364.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 866-05.
By Council Member Cimperman.
An emergency ordinance to designate West 3rd Street from Superior Avenue to Lakeside Avenue as "Sheriff Gerald T. McFaul Road" as a secondary and honorary designation.

Whereas, Gerald T. McFaul has served as the Sheriff and Chief Law Enforcement Officer of Cuyahoga County for over twenty-eight years; and

Whereas, during this service, Sheriff McFaul has successfully responded to challenges in both the local and state criminal justice system; and

Whereas, Sheriff McFaul manages the largest law enforcement agency in Ohio; and

Whereas, in more than two decades of service, Sheriff McFaul supervised the successful investigation of thousands of felony cases and is responsible for more than eight million "inmate days" of secure confinement in the county jail; and

Whereas, prior to his election as Sheriff in 1976, Gerald T. McFaul served for nine years as a Cleveland City Council Member and served as the Majority Leader of Council; and

Whereas, Sheriff McFaul is a member of numerous fraternal, labor, and civic organizations; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, West 3rd Street from Superior Avenue to Lakeside Avenue shall also be known as "Sheriff Gerald T. McFaul Road" as a secondary and honorary designation.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 892-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more contracts of fire and extended insurance coverage for various locations, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of three years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: fire and extended insurance coverage for various locations within the Division of Cleveland Public

Power for a period of three years, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Department of Public Utilities.

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 893-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to install or repair underground miscellaneous duct line, streetlighting bases, and pull boxes, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

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

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

chases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153634)

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 894-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to clean and test insulators, bushing and lighting arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

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

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

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

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

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

Section 2. That the Directors of Public Service or Public Utilities, as appropriate, are authorized to enter into one or more contracts for the making of the improvements on Dock 32 which will include safety and utility improvements, with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvements on Dock 32 may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a pedestrian boardwalk, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the pedestrian boardwalk improvement.

Section 4. That, provided the City issues and sells general obligation in 2005, which include this purpose, the Director of Public Service is authorized to enter into one or more contracts for the making of the pedestrian boardwalk improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the pedestrian boardwalk improvement, provided, however, that each separate trade and each distinct component part of the pedestrian boardwalk improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the Director of City Planning is authorized to enter into an amendment to Contract No. 62683 with SmithGroup JJR to authorize modifications to the contract in order to complete the design of the Phase II improvements to the pedestrian boardwalk.

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

Section 7. That the Director of City Planning is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to produce final documentation for the Lakefront Plan.

Section 8. That the Directors of City Planning, Public Service, or Public Utilities, as appropriate, are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvements to Dock 32.

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

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

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 904-05.
By Council Members Britt, Gordon, and Jackson (by departmental request).

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

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

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

Section 1. That the Directors of Public Health and Community Development, as appropriate, are authorized to enter into one or more contracts with various agencies to provide AIDS-related services in conjunction with Housing Opportunities for People With AIDS (HOPWA) Grant, under File No. 904-05-A, and in addition, the sum of not more than \$24,600.00 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program. Any agency that receives funds under this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work.

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

Section 3. That the costs of the contracts authorized above are appropriated for costs of the Department of Public Health incurred from Fund 13 following the appropriate federal regulations and shall not exceed \$902,000 and shall be paid from Fund Nos. 13 SF 238 and 13 SF 978, Request No. 149508.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 905-05.
By Council Members Britt, Gordon, and Jackson (by departmental request).

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

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

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

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

Section 2. That the Director of

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 909-05.

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

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

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

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

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

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

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

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

Section 4. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 945-05.

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

An emergency ordinance determining the method of making the public improvement of replacing a water main and culvert under Courtland Boulevard in the City of Shaker Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of replacing a water main and culvert under Courtland Boulevard in the City of Shaker Heights, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit price basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit 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 the trades or components may be the subject of a separate contract on a unit price basis.

Section 3. That the Director of Public Utilities is authorized to share equally in the cost of the improvement by reimbursing, or

accepting reimbursement from, the City of Shaker Heights. The Director of Public Utilities is authorized to enter into any agreements necessary to effectuate the purposes of this Section.

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 cost of the improvement authorized shall be paid from Fund No. 52 SF 001, Request No. 159446.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 946-05.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Morgan Filter Rehabilitation Project; determining the method of making the public improvement of constructing the improvements; and authorizing the director to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$27,000,000 to provide funding for the Morgan Filter Rehabilitation Project, including but not limited to, renovating and rehabilitating filters and appurtenances, constructing structural improvements, upgrading HVAC, electrical, and plumbing systems, constructing a new filter control room, and installing a filter-to-waste system (the "Improvement"), that when the Director of Public Utilities learns if the application is approved, the Director shall notify Council.

Section 2. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan which loan agreement shall substantially be in the same form as the agreement contained in File No. 946-05-A. The Director of Public Utilities is further authorized to file all papers and execute all documents to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

Section 3. That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agree-

ment, from the operating revenues of the Division of Water.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Division of Water, Department of Public Utilities, 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 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding 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 the trades or components may be the subject of a separate contract for a gross price. On 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 6. 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 7. That the cost of the Improvement authorized shall be paid from Fund No. 52 SF 229 and from the fund or funds which are credited the loan proceeds received under this ordinance, Request No. 159436.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 947-05.

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning and cement mortar lining of various distribution water mains in the City of Cleveland, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price.

Section 3. 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 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 229, Request No. 159433.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 948-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, remove, and replace utility poles, for the Division of Cleveland Public Power, Department of Public Utilities, 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 Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to test, remove, and replace utility poles, on an as-needed basis, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the 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 153645)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 949-05.

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

An emergency ordinance determining the method of making the public improvement of demolishing the Morgan Pump Station; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of demolishing the Morgan Pump Station, excavating, performing site preparation, analyzing, testing, and performing environmental remediation, and handling and disposing of hazardous materials, for the Division of Water, Department of Public Utilities, 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 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding 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 the trades or components may be the subject of a separate contract for a gross price. On 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 3. 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 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 229, Request No. 159431.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 950-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Division of Water Pollution Control and educate the public, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to 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 marketing, promotional, and advertising services necessary to promote the Division of Water Pollution Control, for a period of two years.

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Division of Water Pollution Control, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public 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 3. That the Director of Public Utilities is further 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 fol-

lowing items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Division of Water Pollution Control, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 54 SF 001 and 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 150138)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities 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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 951-05.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary to design, layout, produce, and distribute 2005 and 2006 educational materials, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to 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, layout, produce, and distribute 2005 and 2006 educational materials, including but not limited to writing, photography and artwork offset lithographic reproduction, for the Division of Water, Department of Public Utilities.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 159448.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 952-05.

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

An emergency ordinance authorizing the Mayor to accept state funding from the Ohio Public Works Commission for the Big Creek Watershed Stormwater Management Project; determining the method of making the public improvement of constructing the Project; authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement; authorizing the director to employ one or more firms of engineers and other professional consultants to provide professional services to implement the Project; authorizing agreements with ODOT, NEORS and the City of Parma to financially cooperate in the Project; authorizing the director to apply and pay for permits, licenses and other authorizations required for the Project; and authorizing the director to purchase, lease, or otherwise acquire easements and other interests in real property as required for 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 Mayor is authorized to accept a grant in the approximate amount of \$3,940,320, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of the Big Creek Watershed Stormwater Management Project (the "Project").

Section 2. That on acceptance of the grant funds from the Ohio Public Works Commission, the Director of Public Utilities may enter into agreements with the Ohio Department of Transportation, the Northeast Ohio Regional Sewer District, and the City of Parma to financially cooperate in the Project; and further that the Director is authorized to accept the funds under these agreements.

Section 3. That the funds received from the Ohio Department of Transportation, the Northeast Ohio Regional Sewer District, and the City of Parma for the Project

are appropriated for this purpose and shall be deposited into the fund or funds designated for that purpose.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Project, for the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. 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 7. 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 Project.

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

Section 8. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulating entity or other public authority to perform the work authorized by this ordinance.

Section 9. 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 Utilities is authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real property necessary for the public improvement authorized by this ordinance.

Section 10. That the Director of Public Utilities is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the rights or interests in real property and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the acquisition or use of the rights or interest in real property authorized by this ordinance.

Section 11. That the cost of the Project and all other expenditures

authorized by this ordinance shall be paid from Fund No. 54 SF 001, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500; from the fund or funds which are credited the proceeds of the sale of 2005 general obligation bonds which are issued for this purpose and include this Project and are appropriated for this purpose; from the fund or funds which are credited the funds received from the Northeast Ohio Regional Sewer District, and the City of Parma, which are appropriated for this purpose; and from the fund or funds which are credited the grant proceeds received from the Ohio Public Works Commission.

Section 12. 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 953-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of burials or cremation services for indigent dead, for the Division of Health.

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

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

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one or two years of the necessary items of burials or cremation services for indigent dead, 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. The Director of Public Health 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 Health 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 149750)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 955-05.

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

An emergency ordinance to amend Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to disposal of used tires, reporting.

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 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, 2393-02, passed February 3, 2003 as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 551.38 Disposal of Used Tires; Reporting

(a) *Registration.* No person, firm, or corporation shall accept for disposal more than five (5) automobile, truck, motorcycle, or bicycle tires in any one calendar month in any one year unless and until the person, firm, or corporation has registered with the Commissioner of Assessments and Licenses as a source of waste tires. The Commissioner of Assessments and Licenses shall furnish a registration form for the purposes of the registration, and, upon the payment of a fee of one hundred dollars (\$100.00), shall issue a certificate of registration, which may apply to all locations at which the registrant does business. Registrations shall be renewed annually. The form for registration shall contain the name and address of the registrant, and if a partnership, the names and addresses of all partners, and if a corporation, the name of the corporation and the names and addresses of the officers and the statutory agent and shall contain additional information as deemed necessary by the Commissioner of Assessments and Licenses. Copies of all certificates of registration issued by the Commissioner of Assessments and Licenses shall be provided to the Commissioner of Environment.

(b) *Reporting.* All persons, firms, or corporations registered under division (a) of this section shall report tire disposal activity to the Commissioner of Environment by submitting a monthly tire disposal report to the Commissioner of Environment on a form promulgated by the Commissioner for that purpose. The monthly tire disposal report form shall contain the date and time that tires were hauled off the registrant's premises during the previ-

ous month. The form shall also require disclosure of the identity of each waste hauler transporting tires off the registrant's premises, and the license tag number of each truck used to transport tires off the registrant's premises. The monthly tire disposal report form shall cover a calendar month and be submitted to the Commissioner of Environment no later than ten (10) days after the last date of the calendar month in question.

(c) No person, firm, or corporation who disposes of tires shall fail to register as a source of waste tires as provided in division (a) of this section, or fail to submit monthly tire disposal report forms to the Commissioner of Environment as provided in division (b) of this section, or fail to provide complete information required by the forms.

(d) No person, firm, or corporation shall engage another for the purpose of hauling waste tires unless the waste hauler is licensed under Section 551.19 et seq. of this chapter.

(e) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree.

Section 2. That existing Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, 2393-02, passed February 3, 2003 as amended by Ordinance No. 2393-02, passed February 3, 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 956-05.

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

An emergency ordinance authorizing the Director of Public Health to lease certain space located at the Miles Broadway Health Center to The Ohio State University Extension to provide food and nutrition education programs and development programs, for a period of five years.

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

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

Section 1. That 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 approximately 8,300 square feet on the first floor of the Miles Broadway Health Center to The Ohio State University Extension ("OSU Extension") for the public purpose of providing food and nutrition education programs and development programs for the term of the lease. The services, include but are not limited to, providing food and nutrition education programs, including family nutrition, family and consumer sciences, 4-H/youth development, horti-

culture, and community development services.

Section 2. That the term of the lease authorized by this ordinance shall be for a period of five years commencing August 31, 2005.

Section 3. That the property described above shall be leased for other valuable considerations, which is considered to be fair market value.

Section 4. That the lease may authorize OSU Extension to make improvements to the leased premises subject to the approval of appropriate City agencies and officials, and to authorize the Lessee to contribute a share of the operating costs at the facility, including but not limited to security, seasonal groundskeeping services, utilities, and indoor building cleaning services.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Public Health, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 957-05.

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

An emergency ordinance authorizing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cleveland Municipal Court for clinical services; and to accept payments for clinical services provided to the Court.

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 an agreement or memorandum of understanding, as appropriate, with the Cleveland Municipal Court, in order for the City of Cleveland to receive and accept reimbursement payments for clinical services provided to individuals referred by the Court.

Section 2. That the reimbursement payments collected under this ordinance shall be deposited into a fund to be designated by the Director of Finance.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 958-05.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 959-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of animal trapping services, for the Division of Environment, Department of Public Health.

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

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

Section 1. That the Director of Public Health is authorized to 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 animal trapping 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 Environment, 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 149752)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 960-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, for the 2006 EMS/Fire Training and Equipment Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$206,366.70, from the Ohio Department of Public Safety, to conduct the 2006 EMS/Fire Training and Equipment Grant, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 960-05-A made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and training necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner which 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 grant term may be taken if desired by the Com-

missioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

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.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 961-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2005 State Homeland Security Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing one or more agreements with the County of Cuyahoga to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$936,600, from the County of Cuyahoga to conduct the 2005 State Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and spending plan for the grant contained in the file described below.

Section 2. That the award letter and spending plan for the grant, File No. 961-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public 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 necessary items of training, equipment, and services needed to implement the program as described in the file. 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 shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 4. That the Director of Public Safety 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 implement the grant as described in the file.

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

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That The Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to the grant as described in the file.

Section 7. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 8. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 962-05.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2005 Urban Area Security Initiative Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing one or more agreements with the County of Cuyahoga to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$3,692,549, from the County of Cuyahoga to conduct the 2005 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and spending plan for the grant contained in the file described below.

Section 2. That the award letter and spending plan for the grant, File No. 962-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public 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 necessary items of training, equipment, and services needed to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 4. That the Director of Public Safety 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 implement the grant as described in the file.

The selection of the consultants for the services shall be made by

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

Section 5. That the estimated sum of \$110,776 is appropriated to the Department of Public Safety for administrative costs necessary to implement the Program.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 7. That The Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to the grant as described in the file.

Section 8. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 9. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 10. 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 963-05.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, for the 2006 EMS Training and Equipment Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$20,000, from the Ohio Department of Public Safety, to conduct the 2006

EMS Training and Equipment Grant, for the purposes in the application and according thereto; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 963-05-A, made a part as if fully rewritten herein, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

That the cost of the contract or contracts shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, from the cash match, and from 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.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 964-05.
By Council Members White, Johnson and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of a play structure and its installation at the Earle B. Turner Recreation Center from Park Structure and Snider & Associates; and to allow and accept the installation of the play structure.

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 accept a gift from Park Structure and Snider & Associates of a play structure for, installation at, the Earle B. Turner Recreation Center, valued at \$10,000, plus the value of the installation.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more agreements with Park Structure and Snider & Associates to allow the installation of the play structure at the Earle B. Turner Recreation Center and to accept the improvements.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 966-05.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Port Control to lease certain properties located on Dock 32 and the East 9th Street pier to the Cleveland-Cuyahoga County Port Authority, for a term of one year, with five options to renew for additional one-year periods, for the purpose of creating approximately 600 parking spaces and for operations.

Whereas, the City of Cleveland owns certain properties known as Dock 32 and the East 9th Street pier which portions are suitable for lease and operation by another party for a public use; and

Whereas, the Cleveland-Cuyahoga County Port Authority has proposed to lease the properties from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Parks, Recreation and Properties and Port Control are authorized to lease to Cleveland-Cuyahoga County Port Authority ("Lessee") through one or more leases, approximately 213,100 square feet of property located on Dock 32 and approximately 57,600 square feet of property located on the East 9th Street Pier to be used to create approximately 600 parking spaces.

Section 2. That notwithstanding and as an exception to the provi-

sions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Parks, Recreation and Properties and Port Control are authorized to lease to Lessee, through one or more leases, approximately 10,000 square feet of property located in the warehouse on Dock 32 for the storage of maintenance equipment and to house Lessee's security and maintenance personnel.

Section 3. The properties to be leased under Sections 1 and 2 of this ordinance for the term of the lease or leases and are more fully shown on the maps contained in File No. 966-05-A.

Section 4. That the term of the lease or leases authorized by this ordinance shall not exceed one year, with five options to renew for additional one-year periods.

Section 5. That the properties described above shall be leased for One Dollar per year and other valuable considerations, which are considered to be fair market value.

Section 6. That the lease or leases may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

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

Section 8. That the Directors of Parks, Recreation and Properties, Port Control, and Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 970-05.

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

An emergency ordinance authorizing the Director of Personnel to participate in the Ohio Safety Incentive Program in order to entitle the City to a workers' compensation premium rebate.

Whereas, the Ohio Bureau of Workers' Compensation has notified the City of Cleveland of its eligibility to participate in the Ohio Safety Council Incentive Program ("Program"); and

Whereas, under the Program, the City will enroll in the local Greater Cleveland Safety Council and receive a 4% one-time workers' compensation premium rebate; 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 Personnel, on behalf of the City of Cleveland, is authorized to take all necessary steps to join and partici-

pate in the Ohio Safety Incentive Program, including enrolling the City in the local Greater Cleveland Safety Council, filing all reports, and paying the required filing fee, currently estimated at \$6,000, payable from Fund No. 01-040203-623000, Request No. 107563.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 971-05.

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

An emergency ordinance approving the report of the Board of Revision of Assessments on objections concerning estimated assessments with respect to improving Euclid Avenue between Public Square and East 70th Street by making specified improvements along the right-of-way; and determining to proceed with the improvements; and adopting the equalized assessments.

Whereas, the Board of Revision of Assessments convened pursuant to Resolution No. 973-05, adopted May 16, 2005, to hear and determine all objections concerning the estimated assessments for improvement of Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way or otherwise improving vaults appurtenant to the right-of-way in accordance with Resolution No. 2372-04, adopted February 28, 2005, has filed its reports with this Council as to its determination of such objections; and

Whereas, this Council deems said report proper in all respects; 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 report of the Board of Revision of Assessments convened pursuant to Resolution No. 973-05, adopted May 16, 2005 and contained in File No. 971-05-A, is approved.

Section 2. That the assessments as equalized by the Board and recommended by it in its report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

Section 3. That it is determined to proceed to improve Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way or otherwise improving vaults appurtenant to the right-of-way in accordance with Resolution No. 2372-04, adopted February 28, 2005, (the "Resolution of Necessity").

Section 4. That the Improvements shall be performed under the provisions of the Resolution of Necessity, and with the plans, specifications, and profiles approved and filed in

the office of the Clerk of Council and in accordance with the estimates as equalized.

Section 5. That the estimated assessments for the Improvements, as equalized by the Board of Revision of Assessments, filed in the office of the Clerk of City Council are adopted.

Section 6. That it is further determined that the portion of the cost of the Improvements to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 7. That no claims for damages resulting from the Improvements have been filed.

Section 8. That the cost of the Improvements shall be paid, prior to the collection of assessments, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 382, 20 SF 394 and 20 SF 500. This Council determines that the City expects to levy assessments in 2006 for the Improvements, and that the City further expects and intends to use proceeds of the assessments to reimburse Fund No. 10 SF 400 the moneys expended under this Ordinance.

Section 9. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 10. 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1005-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various data entry services to convert wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes, for the Division of Taxation, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of various data entry services to convert wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes per CCA specifications, including furnishing media, transportation, and security, in the approximate amount as purchased during the preceding term, to be pur-

chased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Taxation, Department of Finance. 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 127031)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1006-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Mayor or the Director of Finance, or their designee, to apply for and accept a grant from the SBC Fund of The Cleveland Foundation for the Cleveland Digital Community Initiative 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 Mayor or the Director of Finance, or their designee, is authorized to apply for and accept a grant in the amount of \$25,000, from the SBC Fund of The Cleveland Foundation to conduct the Cleveland Digital Community Initiative Program; that the Director of Finance or his designee 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 application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 1006-05-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1011-05.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the expansion of the Division of Cleveland Public Power, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to 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 marketing, promotional, and advertising services necessary to promote the expansion of the Division of Cleveland Public Power, for a period of two years.

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Division of Cleveland Public Power, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public 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 3. That the Director of Public Utilities is further 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: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Division of Cleveland Public Power, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 58 SF 001 and 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 153654)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities 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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1029-05.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts for purchase of anti-freeze, 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 for the purchase of anti-freeze 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 154179)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1031-05.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance to amend Section 10 of Ordinance No. 366-99, passed May 24, 1999, relating to giving consent to the City of Cleveland for the rehabilitation of the Woodland Avenue Bridge over the G.C.R.T.A. and the Norfolk and Southern Railway Co. to the State of Ohio, and authorizing contracts to design and construct 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 Section 10 of Ordinance No. 366-99, passed May 24, 1999, is amended to read as follows:

Section 10. That the cost of the contracts and the payment to the

State authorized above shall be paid from Fund Nos. 20 SF 322, 20 SF 344, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, from the fund or funds to which are credited the proceeds of the sale of the 2005 general obligation bonds which are authorized for this purpose, and other funds authorized and appropriated for this purpose, Request No. 24530.

Section 2. That existing Section 10 of Ordinance No. 366-99, passed May 24, 1999, 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1032-05.
By Council Members Cintron, Zone, Sweeney and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1245-92, passed June 15, 1992, as amended by Ordinance No. 2338-03, passed December 15, 2003, relating to causing payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing the West 44th Street Bridge.

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. 1245-92, passed June 15, 1992, as amended by Ordinance No. 2338-03, passed December 15, 2003, is amended to read as follows:

Section 1. That this Council authorizes payment to the State of Ohio of the City's share of the cost of the rehabilitation and reconstruction of the West 44th Street Bridge over Greater Cleveland Regional Transit Authority and Norfolk and Western Railway Company from Fund Nos. 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 304, 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, 58 SF 001, and 58 SF 223, Request Nos. 14320, 138360 and 157380.

Section 2. That existing Section 1 of Ordinance No. 1245-02, passed June 15, 1992, as amended by Ordinance No. 2338-03, 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1033-05.

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

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; authorizing the Director to enter into one or more requirement contracts for the purchase of services, equipment and supplies; and authorizing the director to enter into one or more contracts with various agencies necessary to operate the Division of Air Quality.

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 accept a grant in the approximate amount of \$2,963,822 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality in accordance with the purposes set forth in the summary; that the Director of Public Health 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 in the summary for the grant.

Section 2. That the summary for the grant, File No. 1033-05-A made a part as if fully rewritten herein, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$393,000, from the Division of Air Quality's General Fund budget, in order to receive the grant from the Ohio Environmental Protection Agency, as a pass through from the U.S. Environmental Protection Agency.

Section 3. 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 grant period of the necessary items of services, equipment, and supplies needed as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Air Quality, 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 grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That the costs of the contract or contracts shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance 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.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the grant as described in the file, with one or more various entities.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1034-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol & Drug Addiction Services Board of Cuyahoga County for the Mental Health & Substance Abuse Prevention Program; to enter into one or more contracts with various agencies; to enter into one or more requirement contracts necessary to implement the grant; and to enter into an agreement with the Board for the City to receive payments from the Medicaid program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$353,844 and any other funds that may become available during the grant term, from the Alcohol & Drug Addiction Services Board of Cuyahoga County to conduct the Mental Health & Substance Abuse Prevention Program; that the Director of Public Health 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. 1034-05-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the program 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 necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 8. That the Director of Public Health is authorized to enter into an agreement with the Alcohol & Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1035-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Case Western Reserve University for the Case Western Reserve Partnership Program.

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

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

Section 1. That the Director of Public Health is authorized to apply

for and accept a grant in the approximate amount of \$30,000, and any other funds that may become available during the grant term from Case Western Reserve University to conduct the Case Western Reserve Partnership Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter and summary for the grant contained in the file described below.

Section 2. That the award letter and summary for the grant, File No. 1035-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1036-05.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Cuyahoga County Public Health Collaborative Program; to enter into one or more requirement contracts necessary to implement the program; and authorizing the director to enter into one or more contracts with various agencies necessary to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$285,375, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the Cuyahoga County Public Health Collaborative Program; that the Director of Public Health 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 administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1036-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That the Director of Public Health is authorized to enter into one or more contracts with various entities for the implementation of the program as described in the file.

Section 7. That the cost of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 8. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1037-05.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cities Readiness Initiative Program; authorizing the purchase by one or more requirement contracts of supplies, equipment, and services needed to implement the program; and authorizing the director to enter into one or more contracts with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$745,000, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the Cities Readiness Initiative ("CRI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1037-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to 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 supplies, equipment, and services necessary to implement the program 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.

Section 6. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program with

the Cuyahoga County Board of Health and the Brasco Group.

Section 7. That the Director of Public Health is authorized to enter into one or more contracts or memoranda of understanding with various entities for the implementation of the program as described in the file.

Section 8. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall 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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1038-05.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Cleveland Infant Mortality Reduction Initiative Project; and to enter into one or more contracts with various agencies 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 \$200,000 annually for a period of four years, and any other funds as they may become available during the grant term, from the Cuyahoga County Board of Health, to conduct the Cleveland Infant Mortality Reduction Initiative Project; that the Director of Public Health 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 administrative summary for the grant.

Section 2. That the administrative summary for the grant, File No. 1038-05-A, made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts with various

agencies to implement the project as described in the file.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 5. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 6. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1039-05.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Ohio Department of Health for the Women's Health Services Program; authorizing the director to charge and accept fees for this program; and to enter into one or more contracts to implement the program.**

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$150,000 and any other funds that may become available during the grant term, from Ohio Department of Health to conduct the Women's Health Services Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1039-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various entities to implement the file as described in the file.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to purchase materials and supplies necessary to implement the program described in the file, and the funds are appropriated for that purpose.

Section 7. 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 equipment and supplies necessary to implement the program 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 grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

Section 8. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, the revolving fund identified in Section 6 of this ordinance, and shall also be charged against the proper appropriation accounts. 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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1040-05.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Substance Abuse and Mental Health Services Administration for the Substance Abuse, HIV, and Hepatitis Prevention/Health Collaborative Program; to enter into one or more agreements with various entities; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies.**

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 \$350,000, and any other funds as they may become available during the grant term, from the Substance Abuse & Mental Health Services Administration, to conduct the Substance Abuse, HIV, and Hepatitis Prevention/Health Collaborative Program; that the Director of Public Health 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.

Section 2. That the summary for the grant, File No. 1040-05-A made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, and supplies needed to implement the program. Requirements are to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the Director of Public Health, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 8. That the costs of the contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which pur-

chase, 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 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1041-05.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Conference of Mayors for the Cities for United Science Progress Program; to enter into one or more contracts with various agencies; and authorizing the director to enter into one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$175,000 and any other funds that may become available during the grant term, from the United States Conference of Mayors to conduct the Cities for United Science Progress Program; that the Director of Public Health 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. 1041-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

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

equipment and supplies necessary to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1042-05.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development for the Greater Cleveland Lead Reduction II Program; to enter into one or more agreements with various entities and individuals to implement the program; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$4,000,000, and any other funds as they may become available during the grant term, from the U.S. Department of Housing and Urban Development, to conduct the Greater Cleveland Lead Reduction II Program; that the Director of Public Health 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.

Section 2. That the summary for the grant, File No. 1042-05-A, made a part as if fully rewritten, as presented to the Finance Committee of

this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to enter into one or more agreements with various entities and individuals to implement the program 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 during the grant term of the necessary items of materials, equipment, and supplies needed to implement the program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1044-05.
By Council Members Johnson and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant of services from the U.S. Army Corps of Engineers for environmental studies, including a Phase II environmental analysis, on certain property in connection with Dike 14.

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 apply for and accept a grant of services in the amount of \$50,000, from the U.S. Army Corps of Engineers for environmental studies, including a Phase II environmental analysis, on certain property in connection with Dike 14 and that the Director is authorized to file all papers and execute all documents necessary to receive the services under the grant.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1045-05.
By Council Members Zone, Cimperman and Jackson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of constructing a public road in connection with the Battery Park development project at West 74th Street and Goodwalt Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 233-05, adopted April 11, 2005, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of constructing a public road in connection with the Battery Park development project at 1274 West 74th Street and 7400 Goodwalt Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of constructing a public road in connection with the Battery Park development project at 1274 West 74th Street and 7400 Goodwalt Avenue, the following described fee simple interests are appropriated:

Permanent Parcel No. 002-04-014
and 002-04-030

1274 West 74th Street and
7400 Goodwalt Avenue,
Cleveland, Ohio

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of

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

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

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

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

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

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

Parcel No. 2:

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

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

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

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

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

Thence Westerly along the Northerly line of Goodwalt Avenue, N.W. a distance of 79.88 feet to the place of beginning be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1049-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Mount Pleasant NOW Development Corporation to provide economic development assistance to partially finance the acquisition of real estate located along Kinsman Road for future development, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Mount Pleasant NOW Development Corporation to provide economic development assistance to partially finance the acquisition of approximately 2.13 acres of real estate located along Kinsman Road and known as permanent parcel numbers 128-23-004, 128-23-005, 128-23-017, 128-23-018, and 128-234-033, for future development, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1049-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed One Hundred Forty-Two Thousand Dollars (\$142,000), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103659.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 008.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1050-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with McTech Holdings, LLC, to provide for a ten-year, sixty percent tax abatement of real estate taxes as an incentive to redevelop the property located at 8100 Grand 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, McTech Holdings, LLC (the "Enterprise"), has proposed to redevelop the property located at 8100 Grand 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 real estate were not abated; and

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for real estate, subject to annual review by 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. 1050-05-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 fees allowable under Chapter 5709 of the Revised Code if 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. 18 SF 004, Loan Fees Fund.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1051-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into agreements with McTech Holdings, LLC, for a Core City loan, an Empowerment Zone Section 108 loan, and an Economic Development Initiative grant to provide development assistance to partially finance the acquisition of and improvements to the property located at 8100 Grand Avenue, and all other associated costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that, to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, this project has been approved; and

Whereas, Council desires to authorize the development assistance to this project which has been approved by the Department of Economic Development and the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into a Core City Loan agreement with McTech Holdings, LLC ("McTech"), to provide development assistance to partially finance the acquisition of and improvements to the property located at 8100 Grand Avenue, and all other associated costs necessary to redevelop the property (the "Improvement").

Section 2. That the Director of Economic Development is authorized to enter into an Empowerment Zone Section 108 Loan Agreement with McTech to provide economic development assistance to partially finance the Improvement.

Section 3. That the Director of Economic Development is authorized to enter into a Grant Agreement with McTech to receive Economic Development Initiative Grant funds to partially finance the above described Improvement which are appropriated for this purpose.

Section 4. That the terms of the loans and the grant shall be according to the terms set forth in the Summary contained in File No. 1051-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 5. That the Core City loan authorized in Section 1 of this ordinance shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000), paid from Fund No. 10 SF 541, the Section 108 loan authorized in Section 2 of this ordinance shall not exceed One Hundred Twenty-Four Thousand Dollars (\$124,000), paid from Fund No. 18 SF 001, and the Economic Development Initiative grant authorized in Section 3 of this ordinance shall not exceed Thirty-one Thousand Dollars (\$31,000), paid from Fund No. 18 SF 003, all identified in Request No. 123596.

Section 6. 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 loans. All loan agreements, security instruments, and other documents shall be prepared and approved by the Director of Law.

Section 7. That the Director of Economic Development is authorized to accept monies in repayment of the Core City and Section 108 loans and to deposit the monies in Fund Nos. 10 SF 542 and 18 SF 002, respectively.

Section 8. 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 if the fees are appropriated to cover costs incurred in the preparation of the loan applications, closing and servicing of the loans. The fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1056-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tremont West Community Development Corporation to provide economic development assistance to partially finance the construction and renovation of real property located at 2406 Professor Street, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Tremont West Community Development Corporation to provide economic development assistance to partially finance the construction and renovation of real property located at 2406 Professor Street, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1056-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Fifty-Six Thousand Dollars (\$56,000), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103658.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1058-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The Great Lakes Towing Company to provide for a five-year, sixty-five percent tax abatement for certain tangible real property improvements as an incentive to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division 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, The Great Lakes Towing Company (the "Enterprise") has proposed to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on real property improvements, in the form of new construction, renovation, and site improvements, 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 five-year, sixty-five percent (65%) tax abatement for real property improvements in the form of new construction, renovation, and site improvements at 4500 Division Avenue; 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. 1058-05-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 contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1059-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with The Great Lakes Towing Company to provide economic development assistance to partially finance the demolition, construction, renovation, and for site improvements to the facility located at 4500 Division Avenue, for architectural and engineering fees, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with The Great Lakes Towing Company to provide economic development assistance to partially finance the demolition, construction, renovation, and for site improvements to the facility located at 4500 Division Avenue, for architectural and engineering fees, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1059-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Seventy-Five Thousand Dollars (\$375,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103660.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the

loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1060-05.

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

An emergency ordinance authorizing the Director of City Planning to accept a cash gift from First Interstate, Inc. to be used for contracting with Cleveland Neighborhood Development Coalition for professional services necessary to prepare a neighborhood retail competitiveness study; and authorizing the director to enter into the contract or contracts.

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

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

Section 1. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of City Planning is authorized to accept a cash gift in the amount of \$55,000, from First Interstate, Inc. That the Director of City Planning is authorized to file all papers and execute all documents necessary to receive the funds under this gift; and that the funds are appropriated for the purpose of entering into one or more contracts with Cleveland Neighborhood Development Coalition for professional services necessary to prepare a request for proposals and otherwise assist the City in securing a neighborhood retail competitiveness study, for the Department of City Planning. The Director of City Planning shall provide a copy of the proposed request for proposals to all members of Council and the Clerk of Council prior to its issuance. The request for proposals shall be issued only after all interested council members are

briefed and the President of Council indicates to the Director of City Planning that the request for proposals documents are acceptable. The request for proposals, the contract with the successful proposer, and the retail competitiveness study that the successful proposer prepares, shall all be treated as public records when issued and shall be made available at the request of any person for inspection and copying at costs.

Section 2. That the Director of City Planning is authorized to enter into one or more contracts with Cleveland Neighborhood Development Coalition for professional services necessary to prepare a neighborhood retail competitiveness study, for the Department of City Planning.

Section 3. That the cost of the contract or contracts shall be paid from the fund or funds which are deposited the cash donation accepted under this ordinance and which are appropriated for this purpose.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1061-05.

By Council Member Cimperman. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Marquadt Avenue to David Purpera.

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). 004-19-040, as more fully described below, to David Purpera.

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

P. P. No. 004-19-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 717, 718 and 719 in S.S. Stone's Survey of College Tract of

part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 32 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northwesterly line of Marquardt Avenue, S.W., 158 feet Southwesterly from its intersection with the Southwesterly line of West 5th Street (formerly Herschel Street); thence Southwesterly along the Northwesterly line of Marquardt Avenue, S.W., 32 feet to the Northwesterly line of West 6th Street (formerly Emmet Street), thence Northwesterly along the Northwesterly line of West 6th Street, 99 feet to the Northwesterly line of said Sublot No. 717; thence Easterly along the Northwesterly line of Sublot No. 717, 32 feet; thence Southwesterly and parallel with the Northwesterly line of West 6th Street, 99 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1063-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 38th Street to Burten, Bell, Carr Development, Inc. or designee.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 103-22-120, as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 40 feet of Sublot No. 9, in the William William's Subdivision of a part of Original One Hundred Acre Lot Nos. 67, 68, 69 and 70, and being 40 feet on the Westerly side of William Street, now 38th Street S.E., and extending back of equal width 150 1/2 feet according to the plat of said Subdivision recorded in Volume 3 of Maps, Page 6 of Cuyahoga County Records, 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1079-05.

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

An emergency ordinance determining the method of making the public improvement of constructing Phase II improvements for the Villas of Woodhaven Development Project; and authorizing the Director of Community Development, Public Service, or Public Utilities, as appropriate, to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing Phase II improvements for the Villas of Woodhaven Development Project, including but not limited to grading, installing water and sewer lines, sidewalks, landscaping, curbs, street paving, lighting, redirecting and moving a culvert to the right-of-way, and making related street improvements, for the Departments of Community Development, Public Service, or Public Utilities, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Community Development, Public Service, or Public Utilities, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 505, 20 SF 363, 20 SF 372, 20 SF 379, and 20 SF 393, Request No. 149511.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1121-05.
By Council Members Pierce Scott, Johnson, Rybka and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Salvation Army, for a term of seventy-five years, with an option, exercisable by the Director of Parks, Recreation and Properties, to renew for an additional twenty-four years for the purpose of the Salvation Army constructing and operating a community center.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Salvation Army ("Lessee"), up to ten acres of the northwest portion of Gordon Park which is suitable for lease and operation by the Salvation Army for the purpose of constructing and operating a community center for the term of the lease.

Section 2. That the term of the lease authorized by this ordinance shall not exceed seventy-five years, with an option, exercisable by the Director of Parks, Recreation and Properties, to renew for an additional twenty-four years.

Section 3. That the property described above shall be leased at a rental of \$1.00 per year, and other valuable considerations, which is determined to be fair market value.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and

shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1122-05.
By Council Member Jackson.**

An emergency ordinance authorizing the purchase by one or more requirement contracts of the criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court, for a period of one year, with a one-year option to renew.

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

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

Section 1. That the Director of finance, on behalf of the Clerk of the Cleveland Municipal Courts, 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 criminal and civil filing system, including folders, labels, tabs, envelopes, shelving, and other materials necessary to file and retrieve cases, in the approximate amount as purchased during the preceding term, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year consecutive term, and cancelable on thirty days written notice by the Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance, on behalf of the Cleveland Municipal Court. 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 one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 143610)

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1123-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance to make additional appropriations of One Hundred Three Thousand Five Hundred Dollars (\$103,500) of the Internal Service Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of One Hundred Three Thousand Five Hundred Dollars (\$103,500) which is available for additional appropriation; 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 there is appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

	<u>\$103,500</u>	
INTERNAL SERVICE FUNDS	\$103,500	
TOTAL ALL FUNDS	\$103,500	
INTERNAL SERVICE FUNDS		
DEPARTMENT OF FINANCE		
Division of Printing and Reproduction		
II Other Expenditures	\$103,500	\$103,500
TOTAL DEPARTMENT OF FINANCE	\$103,500	\$103,500
TOTAL INTERNAL SERVICE FUNDS	\$103,500	\$103,500

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1124-05.**By Council Member Zone.**

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Bridgeway, Inc. for the Detroit Shoreway Weed and Seed Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$73,587, from Bridgeway, Inc. to conduct the Detroit Shoreway Weed and Seed 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 award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 1124-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1127-05.**By Council Member Jackson.**

An emergency ordinance to amend the title and Sections 1 and 3 of Ordinance No. 711-05, passed May 9, 2005, relating to appropriating Community Development Block Grant funds for expenses for the anti-predatory lending and foreclosure prevention assistance and authorizing one or more contracts with various agencies to implement the program.

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

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

Section 1. That the title and Sections 1 and 3 of Ordinance No. 711-05, passed May 9, 2005, are amended to read as follows:

An emergency ordinance appropriating Federal HOME 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.

Section 1. That Federal HOME funds in the amount of Three Hundred Thousand Dollars (\$300,000) are appropriated for anti-predatory lending and foreclosure prevention assistance programs.

Section 3. That the aggregate cost of the contracts shall not exceed \$300,000 and shall be paid from Fund No. 13 SF 236, Request No. 125796.

Section 2. That the existing title and Sections 1 and 3 of Ordinance No. 711-05, passed May 9, 2005, are repealed.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1128-05.**By Council Member Jackson (by departmental request).**

An emergency ordinance to amend the title and Section 1 of Ordinance No. 709-05, passed May 9, 2005, relating to appropriating Community Development Block Grant funds for expenses for the Fair Housing Program and authorizing one or more contracts with various agencies to implement the program.

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

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

Section 1. That the title and Section 1 of Ordinance No. 709-05, passed May 9, 2005, are amended to read as follows:

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

Section 1. That Federal HOME funds in the amount of One Hundred Thousand Dollars (\$100,000) from Fund No. 13 SF 236, Request No. 125797, are appropriated for costs of the Department of Community Relations incurred in Fund 13 following the appropriate federal regulations associated with conducting the Fair Housing Program in conjunction with the Community Development Block Grant Program.

Section 2. That the existing title and Section 1 of Ordinance No. 709-05, passed May 9, 2005, are repealed.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1140-05.**By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Iron Moun-

tain/National Underground Storage, a division of Iron Mountain Information Management, Inc. for the lease of space for the storage of records, and the purchase of services related to the storage of records, for a period of one year, with two one-year options to renew.

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

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

Section 1. That notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is authorized to enter into a rental agreement with Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc., for the rental of approximately 15,000 cubic feet of space for the storage of records of the Cleveland Municipal Court. The rental agreement shall be for a period of one year commencing January 1, 2006, with two options to renew for additional one-year periods, exercisable by the Director of Finance, and cancelable on thirty days written notice by the director.

Section 2. That the rental agreement shall be prepared by the Director of Law and shall contain such terms and conditions as the Director deems necessary to protect and benefit the public interest.

Section 3. That it is determined that the within commodities are non-competitive and incidental to the lease of space authorized by Section 1 of this ordinance, and cannot be secured from any source other than Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to make a written requirement contract with Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc. for miscellaneous services related to the storage of records, such as the provision of storage boxes, filing, file retrieval, file delivery, faxing, photocopying, data entry, the destruction of records, and other file request services, for a period of one year, with two options to renew for additional one-year periods, exercisable by the Director of Finance, and cancelable on thirty days written notice by the director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Cleveland Municipal Court.

Section 4. That the cost of the rental agreement and related services and the other contract or contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 143609)

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1141-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to employ one or more professional consultants to service and maintain the CCTV surveillance system for the Criminal Division, Civil Division, and Parking Violations Bureau, including network and software maintenance and upgrade, and repair or replacement of components, for a period of one year, with two one-year options to renew.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, 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 service and maintain the CCTV surveillance system for the Criminal Division, Civil Division, and Parking Violations Bureau, including network and software maintenance and upgrade, and repair or replacement of components, for a period of one year, with two one-year options to renew.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-011601-632000, Request No. 143612.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1153-05.

By Council Member Brady.
An emergency ordinance authorizing the Director of Economic Development to enter into contract with Target Corporation, to provide development assistance to partially finance the acquisition of property, improvements, and development in the vicinity of West 117th Street and I-90, to construct a retail center, and certain other construction costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its May 12, 2005 meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That, provided Target Corporation submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Target Corporation to provide development assistance to partially finance the acquisition of property, improvements, and development in the vicinity of West 117th Street and I-90, to construct a retail center and certain other construction costs necessary to develop 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. 1153-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Six Million Dollars (\$6,000,000), and shall be paid from Fund Nos. 10 SF 541 and 10 SF 552, which funds are appropriated for this purpose, Request No. 103666.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 10 SF 542 and 10 SF 553.

Section 6. That the Director of Economic Development is autho-

rized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1155-05.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at on Addison Road to Eliza Bryant Village.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-03-011, as more fully described below, to Eliza Bryant Village.

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

P. P. No. 106-03-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lots Nos. 344 and 345 and bounded and described as follows:

Beginning in the Southwesterly line of Addison Road, N.E., at a point at which said Southwesterly line is intersected by the Northwesterly line of the fourth parcel of land conveyed by Edward Mathews and wife to John Beebee by deed dated May 15, 1854 and recorded in Volume 70, Page 430 of Cuyahoga County Records; thence Southwesterly along said Northwesterly line, 200 feet, which point is the most Northerly corner of Sublot 7 in Miss Hattie Zoeter's Subdivision, as

recorded in Volume 12 of Maps, Page 19 of Cuyahoga County Records; thence Southeasterly parallel with the Southwesterly line of Addison Road, N.E., 50 feet; thence Northeasterly parallel with the Northwesterly line of land conveyed by Mathews to Beebee, as afore-described, 200 feet to the Southwesterly line of Addison Road, N.E.; thence Northwesterly along the Southwesterly line of Addison Road, N.E., 50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

Community Development or the Director of Law.

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1160-05.
By Council Member Jones.
An emergency ordinance authorizing the Director of Economic Development to amend Contract No. 53903 with LH Development LLC c/o Forest City Enterprises, to change the repayment and loan terms of an existing NDIF loan; and to authorizing the Director to enter into a UDAG grant agreement with LH Development, LLC c/o Forest City Enterprises to provide economic development assistance to establish a capital improvement and debt service reserve account.

Whereas, on January 29, 1999, the City entered into a \$2,000,000 NDIF Loan Agreement with LH Development LLC, c/o Forest City Enterprises, Contract No. 53903, to acquire and develop the Lee Harvard Shopping Center; and

Whereas, the Shopping Center has become financially unstable due to its current financing structure, high tenant turnover, and low sale process on out building parcels; and

Whereas, the City of Cleveland and other financial participants are willing to restructure certain terms of their agreements with LH Develop-

ment, LLC c/o Forest City Enterprises regarding the Lee Harvard Shopping Center in order to preserve the current success of the shopping center and the stabilization of the Lee Harvard neighborhood, as more fully outlined in File No. 1160-05-A; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 53903 with LH Development LLC c/o Forest City Enterprises to defer all principal and interest payments for five years.

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with LH Development LLC c/o Forest City Enterprises to provide economic development assistance to establish a capital improvement and debt service reserve account.

Section 3. That the costs of the grant shall not exceed an amount of \$500,000 and shall be paid from Fund No. 17 SF 652, Request No. 103663.

Section 4. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1170-05.
By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance approving the collective bargaining agreement with the International Union of Painters and Allied Trades, District Council No. 6, AFL-CIO; and amending Section 13 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Union of Painters and Allied Trades, District Council No. 6, AFL-CIO, under the terms contained in File No. 1170-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Effective Date of Increase
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 2, 2005, which amount is not part of the member's wage base.

Section 2. That Section 13 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 13. International Union of Painters and Allied Trades, District Council No. 6, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Sign Painter.....	\$ 23.23	\$ 29.40
2. Sign Painter Unit Leader.....	\$ 24.23	\$ 30.47
3. Spray Painter.....	\$ 20.83	\$ 26.78
4. Traffic Sign and Marking Supervisor.....	\$ 13.28	\$ 23.39
5. Traffic Sign Process Operator.....	\$ 13.28	\$ 23.39

Section 3. That existing Section 13 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

Passed June 6, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1171-05.**By Council Member Lewis.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Marous Development or designee.**

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 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. 119-02-029 as more fully described below, to Marous Development or designee.

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. 119-02-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 399 and bounded and described as follows:

Beginning in the center line of East 82nd Street (formerly Genesee Avenue) at a point 774-51/100 feet southerly (measured along said center line of East 82nd Street) from its intersection with the Northerly line of said Original One Hundred Acre Lot No. 399; said place of beginning being also 68-64/100 feet Southerly (measured along said center line of East 82nd Street) from the Southeastly corner of a parcel of land set off to Philip W. Custead by a decree of the Court, of Common Pleas of Cuyahoga County, entered on February 16, 1865, as shown by Execution Docket 32, on Page 22 of said Court Records;

Course 1: Thence South 3/4 degrees East along the center of East 82nd Street, a distance of 68-64/100 feet to the Northeastly corner of a parcel of land conveyed by William F. Carr and Alice T. Carr, husband and wife, to Hellen T. Boggis, by deed dated August 14, 1890 and recorded in Volume 468, Page 599 of Cuyahoga County Records;

Course 2: Thence Westerly along the northerly line of land conveyed to Hellen T. Boggis, as aforesaid, a distance of about 250 feet to the Southeastly corner of a parcel of land conveyed by Addie L. Roby and Luther A. Roby, her husband, to Mary W. Hunt, by deed dated April 1, 1895 and recorded in Volume 597, Page 356 of Cuyahoga County Records;

Course 3: Thence North 3/4 degrees West along the Easterly line of the land so conveyed to Mary W. Hunt, as aforesaid and along the Easterly line of a parcel of land conveyed by Addie L. Roby and Luther

A. Roby, her husband, to Aaron Mathews and John R. Libby, partners by deed dated July, 22, 1897, and recorded in Volume 667, Page 331 of Cuyahoga County Records, a distance of 68-64/100 feet to the Southwestly corner of a parcel of land conveyed by Eva L. Burrows, in her own right, and Harris B. Burrows, her husband, to Mary D. Latham by deed dated April 14, 1903 and recorded in Volume 918, Page 402 of Cuyahoga County Records;

Course 4: Thence Easterly along the Southerly line of the land so conveyed to Mary D. Latham, as aforesaid, a distance of about 250 feet 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. 119-02-032 as more fully described below to Marous Development or designee.

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

P. P. No. 119-02-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 399 and bounded and described as follows:

Beginning on the Easterly line of East 81st Street (formerly Princeton Street) at the Southwestly corner of land conveyed by Eva L. Burrows and Harris B. Burrows, her husband, to Mary W. Hunt, by deed dated April 1, 1895, and recorded in Volume 597 of Deeds, Page 355 of Cuyahoga County Records; thence Southerly along said Easterly line of East 81st Street, 31 68/100 feet to the Northwesterly corner of a parcel of land conveyed by John H. Libby and Mary A. Libby, husband and wife, to Rachel S. Terhune, by deed dated October 5, 1904, and recorded in Volume 936 of Deeds, Page 599 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Rachel S. Terhune, 70 feet to the Westerly line of a parcel of land conveyed by Eva L. Burrows, and Harris B. Burrows, her, husband, to Mary D. Latham, by deed dated April 14, 1903 and recorded in Volume 918 of Deeds, Page 403 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Mary D. Latham, 31 68/100 feet to the Southeastly corner of the parcel of land conveyed to Mary W. Hunt, as first aforesaid; thence Westerly along the Southerly line of land conveyed to Mary W. Hunt, as aforesaid, 70 feet to the place of beginning; 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. 119-02-33 more fully described below, to Marous Development or designee.

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

P. P. No. 119-02-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of

Original 100 Acre Lot No. 399 and bounded and described as follows:

Beginning in the Easterly line of East 81st Street (formerly Princeton Street) at the Southwestly corner of a parcel of land conveyed by Eva L. Burrows and Harris B. Burrows, her husband, to Marie E. Ridgeway, by deed dated June 19, 1895, and recorded in Volume 616 of Deeds, Page 497 of Cuyahoga County Records; thence Southerly along said Easterly line of East 81st Street, 34 feet to the Northwesterly corner of a parcel of land conveyed by Addie L. Roby and Luther A. Roby, her husband, to Mary W. Hunts by deed dated April 1, 1895, and recorded in Volume 597 of Deeds, Page 356 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Mary W. Hunt, 70 feet to the Westerly line of a parcel of land conveyed by Addie L. Roby and Luther A. Roby, her husband to The Guardian Savings and Trust Company by deed dated June 26, 1919, and recorded in Volume 2103 of Deeds, Page 452 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to The Guardian Savings and Trust Company and along the Westerly line of a parcel of land conveyed by Eva L. Burrows and Harris B. Burrows, her husband, to Mary D. Latham by deed dated April 14, 1903 and recorded in Volume 918 of Deeds, Page 402 of Cuyahoga County Records, 34 feet the Southeastly corner of the parcel of land conveyed to Marie E. Ridgeway as first aforesaid; thence Westerly along the Southerly line of land so conveyed to Marie E. Ridgeway 70 feet to the place of beginning be the same more or less, but subject to all legal highways.

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. 119-02-034 through 119-02-037 as more fully described, to Marous Development or designee.

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

P. P. No. 119-02-034 through 119-02-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 399 and bounded and described as follows:

Beginning in the Easterly line of East 81st Street (formerly Princeton Street) as established by Appropriation Proceedings in Docket 32, No. 8073 Cuyahoga County Probate Court, at the intersection of said Easterly line with the Southerly line of a parcel of land conveyed by Emma J. Gibbs and husband to Addie L. Roby by deed dated July 19, 1889 and recorded in Volume 452, Page 243 of Cuyahoga County Records, which line is also the Northerly line of a parcel of land conveyed by Alice T. Carr and husband to Hellen T. Boggis by deed dated August 14, 1890 and recorded in Volume 468, Page 599 of Cuyahoga County Records; thence Northerly along the Easterly line or East 81st Street, 39.35 feet; thence Easterly parallel with the said line between the lands of Roby and Boggis, 70 feet; thence Southerly parallel with the Easterly line of East

81st Street, 39.35 feet to the said Roby and Boggis line; thence Westerly along the said Roby and Boggis line, 70 feet to the place of beginning, 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. 119-02-030 as more fully described below, to Marous Development or designee.

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

P. P. No. 119-02-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 399 and bounded and described as follows:

Beginning on the Westerly line of East 82nd Street (formerly Genesee Avenue) 66 feet wide, at the Southeast corner of land conveyed to The MacSeiber Realty Company by deed dated August 15, 1936, and recorded in Volume 4653, Page 691 of Cuyahoga County Records; thence Southerly along the Westerly line of East 82nd Street, 68.64 feet to the Northerly line of land conveyed to Madonna Hall Inc. by deed dated June 12, 1935, and recorded in Volume 4514, Page 287 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed, which is also the Southerly line of land conveyed to Henry S. Johnson by deed dated December 22, 1905, and recorded in Volume 1009, Page 576 of Cuyahoga County Records, about 217 feet to the Southwesterly corner of land so conveyed to Henry S. Johnson; thence Northerly along the Westerly line of land so conveyed, 68.64 feet to the Southerly line of land conveyed to Mosuo Mitamura by deed dated October 5, 1943 and recorded in Volume 5642, Page, 319 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed and along the Southerly line of land conveyed to The MacSeiber Realty Company, as aforesaid, about 217 feet to the place of beginning, 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. 119-02-031 as more fully described below, to Marous Development or designee.

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

P. P. No. 119-02-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 399 and bounded and described as follows:

Beginning on the Easterly line of 81st Street at its point of intersection with the Northerly line of land conveyed to Eva Burrows by deed recorded in Volume 404, Page 59 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Eva Burrows as aforesaid 70 feet to a point; thence Southerly on a line parallel with the Easterly line of East 81st Street 32.25 feet to a point; thence Westerly on a line parallel to the first described line 70 feet to the Easterly line of

East 81st Street; thence Northerly along the Easterly line of East 81st Street 32.25 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 13. 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. 119-01-072 as more fully described below, to Marous Development or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 119-01-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 399, bounded and described as follows:

Beginning on the Westerly line of East 82nd Street, at its point of intersection with the Northerly line of land conveyed to Henry S. Johnson by deed dated December 22, 1905, and recorded in Volume 1009, Page 576 of Cuyahoga County Records; thence Northerly along said Westerly line of East 82nd Street, 48 feet; thence Westerly on a line parallel with said Northerly line of land to conveyed to Henry S. Johnson, 190 feet; thence Southerly on a line parallel with said Westerly line of East 82nd Street, 48 feet to the Northerly line of land so conveyed to Henry S. Johnson; thence Easterly along said Northerly line 190 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 15. 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 16. 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 17. 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 18. 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1176-05.

By Council Members Britt, White and Zone.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Cleveland Opera, Inc., for the SCORE Program through the use of Wards 6, 2, and 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Cleveland Opera, Inc., for the SCORE Program for the public purpose of providing a business linkage educational seminars for Cleveland businesses through the use of Wards 6, 2 and 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,000 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1177-05.

By Council Member Britt.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Fairfax Renaissance Development Corporation for the Community Expo Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Fairfax Renaissance Development Corporation for the Community Expo Program for the public purpose of providing an educational expo for city of Cleveland residents on the various services and programs that are offered by the many different non-profit organizations and city departments through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1178-05.
By Council Member Cimperman.
An emergency ordinance authorizing the Director of Finance to enter into an agreement with Court Community Service for the Court Community Service Program through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Finance is authorized to enter into an agreement with Court Community Service for Court Community Service Program.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1179-05.
By Council Member Jackson.
An emergency ordinance authorizing the Director of Parks, Properties and Recreation to enter into an agreement with Cuyahoga Community College Foundation for the Basketball and More: A Village Experience Program through the use of Ward 5 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Cuyahoga Community College Foundation for the Basketball and More: A Village Experience Program for the public purpose of providing summer recreational activities for city of Cleveland youth through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1180-05.
By Council Member Jackson.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Burten, Bell, Carr Development, Inc. for the Inner-City Youth Recreation Program through the use of Ward 5 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Burten, Bell, Carr Development, Inc. for the Inner-City Youth Recreation Program for the public purpose of providing recreational youth activities for city of Cleveland residents through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$14,654 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1181-05.
By Council Members Lewis and White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Eastside Ecumenical Consortium for the I.M.P.A.C.T. Program through the use of Ward 7 and 2 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Cleveland Eastside Ecumenical Consortium for the I.M.P.A.C.T. Program for the public purpose of reconnecting Cleveland families of incarcerated individuals in Ohio's correctional institutions through televised visits through the use of Wards 7 and 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$85,000 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1182-05.
By Council Member White.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Custom Enrichment Center for the Corlett Empowerment 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 with the Custom Enrichment Center for the Corlett Empowerment Program for the public purpose of providing comprehensive social support educational programs for Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1183-05.
By Mayor Campbell.**

An emergency ordinance to amend Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 176-A-05, passed May 2, 2005, relating to the use of automated cameras to impose civil penalties upon red light and speeding violators.

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 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 176-A-05, passed May 2, 2005 is amended to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil enforcement system established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (m). This civil enforcement system imposes monetary liability on the owner of a vehicle for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red light offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(c) *Speeding offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability does not constitute a conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other offenses and penalties not abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of camera sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Locations.* The following are the locations for the Automated

Traffic Enforcement Camera System:

Locations

Shaker Boulevard at Shaker Square
Chester Avenue at Euclid Avenue
West Boulevard at North Marginal Road
Shaker Boulevard at East 116th Street
West Boulevard at I-90 Ramp
Chester Avenue at East 71st Street
East 55th Street at Carnegie Avenue
East 131st Street at Harvard Avenue
Carnegie Avenue at East 30th Street
Cedar Avenue at Murray Hill Road
Grayton Road at I-480 Ramp
Euclid Avenue at Mayfield Road
Warren Road at I-90 Ramp
Prospect Avenue at East 40th Street
East 116th Street at Union Avenue
W. 117th Street at I-90 Ramp
Pearl Road at Biddulph Road
Carnegie Avenue at East 100th Street
Carnegie Avenue at Martin Luther King Jr. Drive
Memphis Avenue at Fulton Road
Lakeshore Boulevard at East 159th Street
St. Clair Avenue at London Road
Clifton Boulevard between West 110th Street and West 104th Street
Chester Avenue between East 55th Street and East 40th Street
Woodland Avenue between East 66th Street and East 71st Street
West Boulevard between I-90 Ramp and Madison Avenue
Broadway between Harvard Avenue and Miles Avenue
Lee Road between Tarkington Avenue and I-480 Ramp

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty days before any given camera is made fully operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two weeks, which may run concurrently with the 30-day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Service shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by Sec-

tion 4507.021 of the Revised Code ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket evaluation, public service, and appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the Ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

1) The motorist stops in time to avoid violating a red light indication;

2) The motorist proceeds through a red light indication as part of funeral procession;

3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;

4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report;

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies

being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Revised Code.

(l) *Evidence of ownership.* It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program oversight.* The Director of Public Safety shall oversee the program authorized by this Section. The Director of Public Service shall oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

(n) *Rules and Regulations.* The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the City Record.

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be as follows:

<i>413.031(b)</i>	
All violations	\$100.00
<i>413.031(c)</i>	
Up to 24 mph over the speed limit	\$100.00
25 mph or more over the speed limit	\$200.00
Any violation of a school or construction zone speed limit	\$200.00

Late penalties

For both offenses, if the penalty is not paid within 20 days from the date of mailing of the ticket to the offender, an additional \$20.00 shall be imposed, and if not paid with 40 days from that date, another \$40.00 shall be imposed, for a total additional penalty in such a case of \$60.00.

(p) *Definitions.* As used in this section:

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "System location" is the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(3) "Vehicle owner" is the person or entity identified by the Ohio Bureau of Motor Vehicles, or regis-

tered with any other State vehicle registration office, as the registered owner of a vehicle.

Section 2. That existing Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 176-A-05, passed May 2, 2005 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1184-05.
By Council Member Westbrook.
An emergency ordinance authorizing the Director of City Planning to enter into one or more contracts with the Urban Design Center of Kent State University for professional services necessary to prepare a streetscape and urban design plan for Clifton Boulevard.

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

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

Section 1. That the Director of City Planning is authorized to enter into one or more contracts with the Urban Design Center of Kent State University for professional services necessary to prepare a streetscape and urban design plan for Clifton Boulevard, in the total sum of \$16,000, for the Department of City Planning. The contracts or contracts shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 500, 20 SF 506, and 10 SF 166, Request No. 112526.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1185-05.
By Council Member Britt.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Art Theatre for the Way Finder's Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement

with the Cleveland Art Theatre for the Way Finder's Program for the public purpose of providing youth activities and programs for the prevention of juvenile delinquency through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1187-05.
By Council Members Sweeney, Polensek, Lipovan Holan, Kelley, Brady and Dolan.
An emergency ordinance authorizing the Director of Parks, Properties and Recreation to enter into an agreement with National Junior Tennis League of Cleveland, Inc. for the National Junior Tennis League of Cleveland Program through the use of Ward 20, 11, 15, 16, 19 and 21 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Properties and Recreation is authorized to enter into an agreement with National Junior Tennis League of Cleveland, Inc. for the National Junior Tennis League of Cleveland Program for the public purpose of providing recreational tennis activities for city of Cleveland youth through the use of Wards 20, 11, 15, 16, 19 and 21 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1188-05.

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

An emergency ordinance authorizing the Director of Economic Development to accept a grant from the Ohio Department of Job and Family Services, or NOACA acting as interim fiscal agent, for the 2005 Workforce Investment Act Program; and to enter into contracts with various entities necessary to administer the Program on an interim basis.

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to ". . . provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation"; and

Whereas, under WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the governor has designated the geographic boundaries of Cuyahoga County ("County"), including the City of Cleveland ("City"), as Ohio Workforce Area No. 3 ("OWA No. 3"); and

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

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

Section 1. That the Director of Economic Development is authorized to accept a grant in the approximate amount of \$18,400,000.00, or portions thereof, from the Ohio Department of Job and Family Services, or from the Northeast Ohio Area Coordinating Council (NOACA) acting as interim fiscal agent for the State of Ohio, for the 2005 Workforce Investment Act grant for the delivery of allowable program services to eligible individuals for the fiscal year July 1, 2005 to June 30th, 2006. The Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant, including an agreement with NOACA for receipt of the funds.

Section 2. That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities or organizations to implement the following components of the grant, payable from the funds or fund that are credited the proceeds of the grant accepted in this ordinance.

Adult Employment and Training

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- PAID WORK EXPERIENCE
- SPECIALIZED POPULATION SERVICES
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP
- JOB DEVELOPMENT
- JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS, PROGRAM RECOGNITION EVENTS

Dislocated Worker Employment and Training

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- PAID WORK EXPERIENCE
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP
- JOB DEVELOPMENT
- JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS, PROGRAM RECOGNITION EVENTS
- RAPID RESPONSE MEETINGS AND EVENTS

Section 3. That the following amounts are appropriated as follows to provide for administration of the WIA programs on an interim basis:

A.	<u>Youth Activities</u>	
	Personnel and Related Expenses	\$900,000.00
	Total	\$900,000.00
B.	<u>Adult Employment and Training</u>	
	Personnel and Related Expenses	\$750,000.00
	Other Expenses	<u>50,000.00</u>
	Total	\$800,000.00
C.	<u>Dislocated Worker Employment and Training</u>	
	Personnel and Related Expenses	\$750,000.00
	Other Expenses	<u>50,000.00</u>
	Total	\$800,000.00

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1189-05.
By Council Members Jones and Britt.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Metropolitan Mediation, Cleveland, Inc. for the Mediation Services Program through the use of Ward 1 and 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Metropolitan Mediation, Cleveland, Inc. for the Mediation Services Program for the public purpose of providing mediation services for Cleveland residents through the use of Wards 1 and 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,000 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1190-05.
By Council Member Cimperman.
An emergency ordinance approving a temporary public right-of-way occupancy permit for Michael Lang for a Sidewalk Sale at 1275 Euclid 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 under Section 515.02 of the Codified Ordinances of Cleveland, Ohio, 1976, a temporary public right-of-way occupancy permit authorizing a Sidewalk Sale at 1275 Euclid Avenue in accordance with the 2005 application of Michael Lang for M. Lang Executive Attire, Inc. is approved. This permit is revocable at the will of Council.

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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1197-05.
By Council Member Britt.
An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Fairfax Renaissance Development Corporation for Neighborhood Safety Initiative Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with Fairfax Renaissance Development Corporation for Neighborhood Safety Initiative Program for the public purpose of promoting safety and crime prevention in Cleveland neighborhoods through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,500 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1198-05.
By Council Members Britt and Conwell.

An emergency ordinance amending Sections 1 and 2 of Ordinance No. 1969-04 passed October 11, 2004 as it pertains to the Cleveland Art Theatre and the Innovative After School Program through the use of Wards 6 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 Sections 1 and 2 of Ordinance No. 1969-04, passed October 11, 2004 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to extend the agreement with the Cleveland Art Theatre for Innovative After School Program from June 15, 2005 to September 30, 2005 for the Innovative After School Program for the public purpose of providing performing arts education to youth residing in the City of Cleveland through the use of Wards 6 and 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$32,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 1969-04, passed October 11, 2004 are hereby repealed.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1199-05.
By Council Member Polensek.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Sims Raiders Youth Organization for a Youth Football Program through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Sims Raiders Youth Organization for a Youth Football Program for the public purpose of providing organized recreational activities for City of Cleveland youth through the use of Ward 11 Neighborhood Equity Funds.

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1200-05.
By Council Member Pierce Scott.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 8. (Rasheedah Abdur-Razzaq.)

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

Whereas, this Council has considered the requests of, and has determined that it is in the public interest to allow certain persons to engage in peddling outside of the Central Business District each of said persons to peddle in Ward 8; and

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 8: Rasheedah Abdur-Razzaq on the sidewalk of the EastSide Market on St. Clair Avenue

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

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

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

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 Burten, Bell, Carr Development, Inc. for a Youth Boxing Program for the public purpose of providing recreational activities for city of Cleveland youth through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,529 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 June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

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. Clair Development Corporation and the NNDC to install, maintain and remove banners at various locations, for the period from August 3, 2005 to September 3 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 6, 2005.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1201-05.
By Council Member Jackson.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Burten, Bell, Carr Development, Inc. for a Youth Boxing Program through the use of Ward 5 Neighborhood Equity Funds.
 Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Ord. No. 1219-05.
By Council Member Coats.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Clair Development Corporation and the NNDC to stretch banners at various locations, for the period from August 3, 2005 to September 3, 2005, inclusive, publicizing the Ward 10 Community Festival and Health Fair.
 Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

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Marketing and advertising services — promote (O 950-05) 1288

Pump stations — repair and maintain (O 813-05)..... 1270

Willard Park Garage

Computerized lighting system — install (O 843-05)..... 1279

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Sump pump system — install — Division of Parking Facilities (O 842-05)..... 1279