

The City Record

Official Publication of the Council of the City of Cleveland



June the First, 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 1, 2005

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CITY COUNCIL

MONDAY, MAY 30, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

9:30 A.M. — **Public Parks, Property
& Recreation Committee:** Johnson,
Chairman; White, Vice Chairman;
Cimperman, Dolan, Jones, 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, Reed, Pierce Scott, West-
brook, White.

TUESDAY

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

TUESDAY—Alternating

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

1:30 P.M. — **Legislation Committee:**
White, Chairman; Pierce Scott, Vice
Chairman; Dolan, Johnson, West-
brook.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transporta-
tion Committee:** Westbrook, Chair-
man; Sweeney, Vice Chairman; Britt,
Dolan, 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,
_____, Vice Chairman, Con-
well, Kelley, Lewis, Pierce Scott,
Westbrook.

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

**Personnel and Operations Commit-
tee:** _____, Chairman; Britt,
Cimperman, 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

May 25, 2005

The regular meeting of the Board
of Control convened in the Mayor's
office on Wednesday, May 25, 2005,
at 10:30 a.m. with Mayor Campbell
presiding.

Present: Mayor Campbell, Acting
Directors Horvath, Schneider, O'Mal-
ley, Directors Mok, Ricchiuto, Car-
roll, Acting Director Pettus, Director
Ronayne, Acting Directors Wilbur,
Brown, Directors Huth, Taylor and
Williams.

Absent: Director Fumich.

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. 260-05.

By Director Baker.

Resolved, by the Board of Control
of the City of Cleveland that the
conditional bid of United Service
Management Group, Inc., d.b.a. Penn
Window Cleaning Company, except
for such terms and conditions as are
not acceptable to the Director of
Law, for an estimated quantity of
window washing services, all items,
for the various divisions of City gov-
ernment, for the period of one year
beginning with the date of execu-
tion of a contract, received on April
14, 2005, under the authority of Ordinance
No. 223-05, passed March 7,
2005, which on the basis of the esti-
mated quantity would amount to
\$113,005.00 (0% 30 Days), is affirmed
and approved as the lowest and best
bid, and the Director of Finance is
requested to enter into a require-
ment contract for the goods and/or
services, which shall provide for the
immediate purchase as the initial
amount of the contract of the fol-
lowing:

Requisition No. 158911
which shall be certified against
such contract in the sum of \$5,700.00.

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

Yeas: Mayor Campbell, Acting
Directors Horvath, Schneider, O'Mal-
ley, Directors Mok, Ricchiuto, Car-
roll, Acting Director Pettus, Director
Ronayne, Acting Directors Wilbur,
Brown, Directors Huth, Taylor and
Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 261-05.

By Director Baker.

Resolved, by the Board of Control
of the City of Cleveland that the bid
of Graham enterprises, d.b.a. Aries
Distribution, for an estimated quan-
tity of janitorial supplies, groups B
and C, for the various divisions of
City government, for the period of
one year beginning with the date of
execution of a contract, received on
April 14, 2005, under the authority of
Ordinance No. 222-05, passed March
7, 2005, which on the basis of the

estimated quantity would amount to \$280,757.65 (Net), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 156693

which shall be certified against the contract in the sum of \$20,000.00.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 262-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 195-05, adopted by the Board on April 27, 2005, approving Wesco Distribution, Inc. for crossarms, item nos. 40 thru 44, is amended by deleting the Requisition No. "129889" for the sum of "Thirty Four Thousand and no/100 Dollars(\$34,000.00)" and substituting the Requisition No. "153629" for the sum of "Seven Thousand Three Hundred Twenty and no/100 Dollars(\$7,320.00)".

Be it further resolved that all other provisions of said Resolution No. 195-05 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 263-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 673-04, adopted by this Board of Control on December 1, 2004, approving the conditional bid of Electric Laboratories and Sales A Hughes Supply Co. as the lowest and best for 12 and 2.4 kV transformers, Group L (item nos. 248 and 249), Group N (item nos. 255 thru 264) and Group P (item nos. 269 thru 273), except for such terms and conditions as are unacceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, is hereby rescinded.

Be it further resolved, that all bids received on August 12, 2004, for 12 and 2.4 KV transformers, Group L (item nos. 248 and 249), Group N (item nos. 255 thru 264), and Group

P (item nos. 269 thru 273) for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 1630-92 passed by the Council of the City of Cleveland on September 21, 1992, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 264-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Nationwide Fence & Supply for an estimated quantity of labor and materials necessary for fence installation and/or repairs for item nos. 1 thru 53, for the Divisions of Cleveland Public Power, Water and Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 7th day of April 2005, pursuant to the authority of Ordinance No. 758-04, passed June 7, 2004, on the basis of the estimated quantity would amount to One Million One Hundred Thirty Six Thousand Four Hundred Seven and no/100 Dollars (\$1,136,407.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153638

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

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 265-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of West Park Auto Parts for an estimated quantity of various automotive and truck parts and services, all items, (average hourly rate \$49.00) (part discounts ranging from 38% - 53% off list price/catalogues), for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract with an option by the City for one addition-

al year, received on the 21st day of April 2005, pursuant to the authority of Ordinance No. 759-04, passed June 7, 2004 on the basis of the estimated quantity would amount to Nine Hundred Thousand and no/100 Dollars (\$900,000.00) (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153231

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

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by West Park Auto Parts, for various automotive and truck parts and services for the above Requirement Contract is hereby approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT</u>
Poly Services	\$200,000.00 (MBE)
Aamco Transmission	\$ 30,000.00 (FBE)(3.3%)
Samsel Supply	\$ 10,000.00 (FBE)(1.1%)
Wise International	\$ 20,000.00
Lake Buick	\$ 10,000.00
Valley Ford Truck	\$ 15,000.00
Ganley Ford	\$ 10,000.00
Torch Hardware	\$ 5,000.00
A & A Hydraulics	\$ 10,000.00

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 266-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cooper Landscaping, Inc. for an estimated quantity of labor and materials for landscaping services, item nos. 1 thru 5, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 21st day of April 2005, under the authority of Ordinance No. 2009-04, passed November 22, 2004 which on the

basis of the estimated quantity would amount to \$238,900.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153657

which shall be certified against the contract in the sum of \$25,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Cooper Landscaping, Inc., for labor and materials for landscaping services for the above mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
Top Gun	\$1,200.00 (MBE) .5%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 267-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Perfecturf, Inc. for an estimated quantity of labor and materials for landscaping services, item no. 6, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 21st day of April 2005, under the authority of Ordinance No. 2009-04, passed November 22, 2004 which on the basis of the estimated quantity would amount to \$8,999.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153658

which shall be certified against the contract in the sum of \$4,999.50.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perfecturf, Inc., for labor and materials

for landscaping services for the above mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
The J & S Company	\$1,449.00 (MBE) 16.1%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 268-05.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 8-05, passed by the Council of the City of Cleveland on January 31, 2005, the firm of Fleishman-Hillard, Inc. ("Consultant") is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services for the promotional activities and marketing for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Fleishman-Hillard, Inc. provided that the compensation to Fleishman-Hillard, Inc. for the services authorized shall not exceed \$200,000.00, plus approved reimburseables, for a term of two (2) years which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Fleishman-Hillard, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Ryden Enterprise	15.00% MBE \$30,000.00
Vocon Design	15.20% FBE \$30,400.00

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 269-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Towlift, Inc. for an estimated quantity of rider/reach lift trucks, for the various divisions of City government, for the period of one year beginning with

the date of execution of a contract, received on April 16, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to \$31,760.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154168

which shall be certified against the contract in the sum of \$31,760.00.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 270-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that all bids received on February 25, 2005, for prisoner meals, all items, for the Division of Police, Department of Public Safety, under the authority of Ordinance No. 2231-03, passed by Cleveland City Council on December 15, 2003, are hereby rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 271-05.

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:

	<u>Serial No.</u>
Patrick Brown	9MM, 5943 VCT2634
Richard Butler	9MM, 6943 TFR3710
Moses Dejesus	9MM, 6906 TCD9052
Amy Duke	9MM, 5943 VCT2625
Douglas Dvorak	9MM, 5943 TFK4947
Danny Ellis	9MM, 5943 VHM0316
David Elmore	9MM, 5943 TFL6810
Maximo Estremera	9MM, 5943 VHM0398
Michael Gallagher	9MM, 5943 VAK6306

Debra Hall 9MM, 5943 THA0730
 Anthony Harper 9MM, 5943 VED5642
 Luke Hartman 9MM, 5943 VHN9199
 Traci Hill 9MM, 5943 TYR6093
 Douglas Hunt 9MM, 5943 TYR6042
 Jason Hym 9MM, 5943 VCT2637
 James Jackson 9MM, 5943 TFK4969
 Thomas James 9MM, 5946 TDP8538
 Ellis Johnson 9MM, 5946 TDN7005
 Reinhold Kauntz 9MM, 5943 TYR6064
 Kevin Kelly 9MM, 5946 VJD4964
 George Kirby 9MM, 5943 VAK6527
 Brenda Korber 9MM, 5943 VYY5218
 Jeraldene Kurka 9MM, 5943 TFK5003
 Charles Lavelle 9MM, 5943 VCT2691
 Margarita Lebron 9MM, 6943 JVN7436
 John Ludrosky 9MM, 5946 TDN6800
 Timothy McAndrew 9MM, 5903 TCP9303
 Daniel McCandless 9MM, 5943 VHM0410
 Scott Moran 9MM, 5943 VDM7373
 Charles Neidbalson 9MM, 5943 VCT2621
 Joseph Petkac 9MM, 5943 TFK4913
 John Petkovsek 9MM, 5943 VHM0413
 Matthew Putnam 9MM, 5943 TYR6026
 Michael Qualey 9MM, 5943 TYR4982
 Jennifer Robertson 9MM, 5943 VAK6339
 John Romoga 9MM, 5943 TFK5071
 Jeff Sampson 9MM, 5943 TFK5045
 Frank Sanchez 9MM, 6906 TCY5013
 Michael Schroeder 9MM, 5946 TDP8535
 Linda Sealey 9MM, 5943 TYR4962
 Jack Steele 9MM, 5943 VED5657
 Chris Stevers 9MM, 5946 TDU4936
 Bonnie Wherry 9MM, 5946 TDN6804
 Jeff Wilson 9MM, 5943 VHM0371
 Eric Wolfe 9MM, 5903 TCZ2074
 Scott Zenkewicz 9MM, 5943 VDM7360

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 272-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of Bound Tree Medical LLC for an estimated quantity of medical supplies for first responder runs, Item Nos. 1-41, 43-45 and 47-107, for the Department of Public Safety, Division of Fire, for the period of one (1) year beginning with the date of execution of a contract, received on December 9, 2004, pursuant to the authority of Ordinance No. 1007-04, passed by Cleveland City Council on July 14, 2004, which on the basis of the estimated quantity would amount to Sixty-Four Thousand Sixty-Seven and 94/100 Dollars (\$64,067.84), is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154750

An estimated quantity of medical supplies for first responder runs which shall be certified against such contract in the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 273-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that under authority of Ordinance No. 1090-04 as amended by Ordinance No. 1502-04 passed by the Council of the City of Cleveland June 14, 2004 and August 11, 2004, respectively, Biohabitats, Inc. is selected from a list of qualified consultants available for employment after a canvass by the Director of Parks, Recreation & Properties as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City to provide the professional services necessary to complete the Dike 14 Feasibility Study for Public Access for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties.

Be it further resolved that the Director of Parks, Recreation & Properties is authorized to enter into a contract with Biohabitats, Inc., based upon its proposal dated April 19, 2005, for a total cost not to exceed Fifty-Seven Thousand, One Hundred Sixty-Four and 00/100 Dollars (\$57,164.00), which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Biohabitats, Inc. is approved:

Subcontractor	Amount Percentage
DLZ (MBE)	\$ 5,192 9.08%
KS Associates (FBE)	\$ 1,772 3.10%
Hull & Associates	\$10,915 19.09%
Kerr & Boron Associates	\$ 2,300 4.02%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 274-05.

By Director Ronayne.

Whereas, under the authority of Resolution No. 737-04 adopted by this Board on December 29, 2004, and Ordinance No. 1264-03, passed by the Council of the City of Cleveland July 16, 2003, as amended by Ordinance No. 2151-03, passed December 15, 2003, the Director of Parks, Recreation, and Properties entered into an agreement with Envirocom Construction Company, Inc., for the public improvement of City-wide recreation centers improvements 2004, Contract No. 63884; and

Whereas, the Department of Parks, Recreation, and Properties has requested, and received approval, from the Office of Equal Opportunity to accept additional alternates; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 737-04, adopted December 29, 2004, is amended by adding alternates 13B and 13D in the second paragraph and increasing the gross price in the fifth paragraph to \$5,020,700.

Be it further resolved by the Board of Control of the City of Cleveland that Resolution No. 737-04, adopted December 29, 2004, is further amended by changing the MBE participation for subcontractor, RCE, Inc. (MBE), is increased to \$187,985 and 3.74%.

Be it further resolved, that all other provisions of Resolution No. 737-04 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 275-05.

By Director Ronayne.

Resolved by the Board of Control of the City of Cleveland that the bid of P.O.M. Incorporated for the purchase of not to exceed three hundred seventeen-(317) Electronic Parking Meters complete with all iron housings and vaults by contract for the Division of Parking Facilities, Department of Parks, Recreation and Properties received on the 18th day of March 2005, pursuant to the authority of Ordinance No. 2308-04, passed on January 24, 2005 which on the basis of the order quantities would amount to \$90,345.00 is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into contract for such items.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 276-05.

By Director Ronayne.

Resolved by the Board of Control of the City of Cleveland that all bids received on April 15, 2005, for the

public improvement of the roof replacement for the former Miles/Broadway YMCA, for the Department of Parks, Recreation, and Properties, under the authority of Ordinance No. 1264-03, passed on July 16, 2003, and Ordinance No. 2151-03, passed December 15, 2003, by the Council of the City of Cleveland, be and the same are rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 277-05.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Pinkney-Perry Insurance Agency for the following: property insurance for the Cleveland Browns Football Stadium, for one year with one option to renew for one (1) year, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on the 12th day of May 2005, under to the authority of Ordinance No. 227-05, passed March 21, 2005, which on the basis of the order quantity would amount to \$111,736.00 for the first year, is approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into contract for such items.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Pinkney-Perry Insurance Agency for the above-mentioned standard purchase is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
Polytech, Inc. (MBE)	\$1,000.00

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 278-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Sterling Paper Co., for an estimated quantity of paper products (all items), for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 29th day of April, 2005, under the authority of Ordinance No. 2291-04, passed January 24, 2005, which on the basis of the estimated quantity would amount to \$507,515.50 (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159505

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

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, O'Malley, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Directors Wilbur, Brown, Directors Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

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 13, 2005

9:30 A.M.

Calendar No. 03-103: 15409 St. Clair Avenue (Ward 10)

James Reid, owner, a.k.a. Next Step Development and d.b.a. JR Video Production, was granted a variance on May 19, 2003 in Calendar No. 03-103 to change the use of a one-story print shop building to a video productions studio with specific conditions, including a restriction that no more than 2-3 people at a time will be at the site. Appellant Reid now asks that the Board of Zoning Appeals modify the condi-

tion regarding the occupancy they deem appropriate to be on the premises at one time for the use granted by the variance.

Calendar No. 05-121: 1729 Willey Avenue (Ward 14)

The Cleveland Animal Protective League, owner, and Steven Trueman, agent, appeal to install two freestanding, non-illuminated double face signs at the front entrance driveway and at the rear driveway of the existing animal care facility, situated on acreage located in split zoning between Semi-Industry and General Industry Districts on the south side of Willey Avenue at 1729 Willey Avenue; contrary to the Sign Regulations, a 300' distance is proposed between the two signs and a minimum distance of 500' is required according to Section 350.20(b)(2) of the Codified Ordinances.

Calendar No. 05-122: 7000 Wakefield Avenue (Ward 17)

Bernard C. Lackey, owner, appeals 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, located in a B1 Two-Family District on the north side of Wakefield Avenue at 7000 Wakefield Avenue; contrary to Section 358.04(c)(1), a chain link fence is proposed in an actual front yard of a Residence District and only an ornamental fence is allowed.

Calendar No. 05-123: 7006 Wakefield Avenue (Ward 17)

Bernard C. Lackey, owner, appeals 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 on the northwest corner of Wakefield Avenue and West 71st Street at 7006 Wakefield Avenue; contrary to Section 358.04(c)(1), a chain link fence is proposed; and in an actual front and side yard of a Residence District only an ornamental fence is allowed.

Calendar No. 05-124: 17215 East Park Drive (Ward 11)

Laura Martin and Steve Misencik, owners, appeal to erect a 28' x 27' two-story room addition, proposed to be attached to an existing 20' x 20' existing nonconforming accessory garage, situated on a 50' x 117' lot in a A1 One-Family District on the north side of East Park Drive at 17215 East Park Drive; contrary to Section 357.09(2)B, there is no interior side yard where 3' is required; and Section 357.08(b)(1) requires a 20' rear yard where there is none; proposed as part of the new room addition, the existing nonconforming garage requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 05-126: 16914 East Park Drive (Ward 11)

Peter Y. Usayto, owner, appeals to erect a 10'-8" x 36' open front porch addition to an existing single family, brick dwelling, situated on an approximate 60' x 130' lot in an A1 One-Family District on the south side of East Park Drive at 16914

East Park Drive; contrary to Section 357.13(b)(4), the proposed 10'-8" open front porch projects beyond the 6' that is allowed according to the Codified Ordinances.

Calendar No. 05-127: 1016 East 77th Street (Ward 8)

Mary L. Pritchard, owner, appeals to erect a 20' x 20' one-story frame, attached garage to an existing two-story frame one family dwelling, situated on a 40' x 72' lot in a B1 Two-Family District on the west side of East 77th Street at 1016 East 77th Street; as proposed, there is a 5' rear yard depth instead of the 20' required in Section 357.08; with an existing nonconformance where there are no interior side yards instead of the 10' requirement; and the Board of Zoning Appeals approval is required under Section 359.01 of the Codified Ordinances.

Calendar No. 05-115: 1070 East 152nd Street (Ward 10)

With a Motion for Rehearing having been granted on May 31, 2005, the City of Cleveland Department of Parks, Recreation and Properties, owner, appeals to construct an Outdoor Athletic Complex to be situated on acreage in a General Industry District, located on the west side of East 152nd Street at 1070 East 152nd Street; and as proposed, being contrary to the parking requirements for a total seating capacity of approximately 3,600 persons, or, one parking space for every six seats, according to Section 349.04(c) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

TUESDAY, MAY 31, 2005

At the meeting of the Board of Zoning Appeals on Tuesday, May 31, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 05-81: 1415 East 45th Street - Unit #24
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-82: 1415 East 45th Street - Unit #12
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-83: 1415 East 45th Street - Unit #13
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-84: 1415 East 45th Street - Unit #14
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-85: 1415 East 45th Street - Unit #15
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-86: 1415 East 45th Street - Unit #16
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-87: 1415 East 45th Street - Unit #17
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-88: 1415 East 45th Street - Unit #18
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-89: 1415 East 45th Street - Unit #19
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-90: 1415 East 45th Street - Unit #20
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-91: 1415 East 45th Street - Unit #21
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-92: 1415 East 45th Street - Unit #22
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-93: 1415 East 45th Street - Unit #23
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-94: 1415 East 45th Street - Unit #1
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-95: 1415 East 45th Street - Unit #2
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-96: 1415 East 45th Street - Unit #3
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-97: 1415 East 45th Street - Unit #4
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-98: 1415 East 45th Street - Unit #5
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-99: 1415 East 45th Street - Unit #6
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-100: 1415 East 45th Street - Unit #7
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-101: 1415 East 45th Street - Unit #8
Cleveland Housing Network and Rysar Properties, co-owners, agent, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-102: 1415 East 45th Street - Unit #9
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-103: 1415 East 45th Street - Unit #10
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-104: 1415 East 45th Street - Unit #11
Cleveland Housing Network and Rysar Properties, co-owners, appealed to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District.

Calendar No. 05-107: 7925 Spafford Road
Gwendolyn Goins appealed to erect a 21' x 20' one-story reverse gable garage in a B1 Two-Family District.

Calendar No. 05-109: 11815 Moulton Avenue
Cleveland Municipal School District appealed to erect a two-story addition to the existing Mary McLeod Bethune K-8 Elementary school building in a B1 Two-Family District.

Calendar No. 05-111: 10305 Pierpont Avenue
Cresthaven Development appealed to erect a two-story single family dwelling in an A1 One-Family District.

Calendar No. 05-120: 1151 Main Avenue
Flats Development Incorporated appealed to erect and maintain an 82' x 248' tent for charity events from June 2005 to September 12, 2005.

The following appeal was **Denied:**

Calendar No. 05-110: 2115 Tate Avenue
Paul Batt appealed to erect a 15' x 20' wooden carport at the east side of a two-story dwelling in a B1 Two-Family District.

The following appeal was **Dismissed:**

Calendar No. 04-298: 3586 Fulton Road
Leonard Leone, owner, and Jose Jimenez, prospective purchaser, appealed to install an accessory parking lot to a retail store in a General Retail Business District.

The following appeal was **Postponed:**

Calendar No. 05-80: 11802 Kinsman Road - Violation Notice postponed to June 27, 2005.

In Executive Session on May 31, 2005, the following appeals heard by the Board on May 23, 2005 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 04-328: Appeal of North Coast Payphones, Inc. ClevePhones, Inc.
North Coast Payphones appealed from denied payphone permit applications by the Commissioner of Assessments and Licenses by correspondence dated December 7, 2004.

The Board upheld the following decisions of the Commissioner of Assessments and Licenses to deny payphone permit applications:

Ward 1
4159 Lee Rd. - w/n 500' of permitted phone

Ward 2
3790 E. 116th St. - violates liquor provision
3661 E. 93rd St. - violates liquor provision
3831 E. 93rd St. - violates liquor provision
4055 E. 93rd St. - violates liquor provision
13411 Miles Ave. - violates liquor provision

Ward 4
13108 Buckeye Rd. - vacant building
2976 E. 116th St. - violates liquor provision
3111 E. 93rd St. - violates liquor provision
12914 Griffing - violates liquor provision

Ward 5
5474 Broadway - vacant building
3337 Central Ave. - violates liquor provisions
3210 E. 49th St. - vacant building
6206 Woodland - 500' from permit #103
8315 Woodland - violates liquor provision

Ward 6
7701 Cedar Ave. - 500' of permitted payphone
7901 Cedar Ave. - 500' of permitted payphone
5498 Chester Ave. - 500' of permitted payphone
2249 E. 105th St. - vacant building/lot
2609 E. 110th St. - violates liquor provision
9209 Quincy Ave. - violates liquor provision

Ward 7
1136 E. 79th St. - vacant building
1210 E. 79th St. - vacant building
8023 Superior - violates liquor provision
7305 Superior - nuisance as of 11-23-04

Ward 8
10305 St. Clair Ave. - 500' of permitted payphone

Ward 9
11701 St. Clair - violates liquor provision
12200 St. Clair - violates liquor provision

Ward 10
15521 St. Clair - 500' of permitted payphone

Ward 12
6405 Fleet Ave. - violates liquor provision
7180 Union Ave. - violates liquor provision

Ward 13
4423 Detroit Ave. - violates liquor provision
3133 Payne Ave. - violates liquor provision
6029 Superior Ave. - violates liquor provision

Ward 14
3335 Fulton Rd. - violates liquor provision

3203 W. 25th St. - 500' from permit #7

Ward 15
2044 Broadview Rd. - 500' from permit #134
3556 Fulton Rd. - violates liquor provision

Ward 16
4540 Broadview - 500' from permit #135
5741 Memphis - violates liquor provision

Ward 17
5802 Lorain Ave. - nuisance as of 11-23-04

Ward 19
3590 Bosworth Ave. - violates liquor provision
12204 Lorain Ave. - nuisance - 500' of permitted payphone
12520 Lorain Ave. - violates liquor provision

Ward 20
4606 W. 130th St. - violates liquor provision

Ward 21
14053 Lorain Ave. - violates liquor provision

Calendar No. 04-330: Appeal of North Coast Payphones, Inc. ClevePhones, Inc.

Howard Meister and North Coast Payphones/ClevePhones, Inc. appealed from an order issued by the Commissioner of Assessments and Licenses to remove outdoor payphones declared a nuisance by the Director of Public Safety:

The Board upheld the following decisions of the Commissioner of Assessments and Licenses:

Ward 6
East 121st and Larchmere

Ward 7
74th and Superior
74th and Superior
74th and Superior
77th and Superior - Permit #155
79th and Superior
79th and Wade Park - Permit #41
84th and Superior - Permit #93

Ward 17
58th and Lorain

Calendar No. 05-2: Appeal of North Coast Payphones, Inc. ClevePhones, Inc.

Howard Meister and North Coast Payphones/ClevePhones, Inc. appealed from an order issued by the Commissioner of Assessments and Licenses to remove outdoor payphones declared a nuisance by the Director of Public Safety:

12520 Lorain Ave. - Ward 19
14053 Lorain Ave. - Ward 21
17136 Lorain Ave. - Ward 21
15315 Bartlett Ave. - Ward 3
15315 Bartlett Ave. - Ward 3
3111 East 93rd St. - Ward 4
3111 East 93rd St. - Ward 4
12914 Griffing Ave. - Ward 6
2249 East 105th St. - Ward 6
7901 Cedar Ave. - Ward 6
1210 East 79th St. - Ward 7
6206 Woodland Ave. - Ward 5

8315 Woodland Ave. — Ward 6
 3332 West 32nd St. — Ward 14
 3767 Community College (permit
 1206) — Ward 5
 1166 East 123rd St. — (permit
 1218) — Ward 9
 3502 Walton Ave. — (permit 1216)
 — Ward 14
 15521 St. Clair Ave. — Ward 10

In Executive Session on May 31, 2005, the Board of Zoning Appeals granted a Motion for Rehearing on the following appeal heard on May 9, 2005 and held pending.

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.

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 8, 2005

Anti-Spam 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 2, 2005 AT 1:00 P.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 205 WEST ST. CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

May 25, 2005 and June 1, 2005

THURSDAY, JUNE 9, 2005

Sale of Waste Oil, Used Anti-Freeze and Oil Filters, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Section 181.19, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Cab/Chassis with Air/Light Unit Body, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

May 25, 2005 and June 1, 2005

FRIDAY, JUNE 10, 2005

Various Traffic Signal and Sign Equipment, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM #518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Aluminum Sign Blanks, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM #518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Mast Arm Signal Supports, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM #518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Vinyl Sheeting, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM #518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

May 25, 2005 and June 1, 2005

WEDNESDAY, JUNE 15, 2005

Bunker Gear Suits, including Proximity Coats, Proximity Pants, Hoods, Helmets, Suspenders and Boots, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 463-05, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 3, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., DIVISION OF POLICE, JUSTICE CENTER, 3RD FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44113.

Phase II Residential Sound Insulation Program (RSIP) 2005 General Construction (Contract A-05-1) and HVAC/Electrical (Contract A-05-2), for the Division of Cleveland Hopkins International Airport, Department of Port Control as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000, respectively.

THERE WILL BE A **REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

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

May 25, 2005 and June 1, 2005

WEDNESDAY, JUNE 22, 2005

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., DIVISION OF WATER DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

May 25, 2005 and June 1, 2005

THURSDAY, JUNE 16, 2005

Back-Up Voice Recording System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2112-04, passed by the Council of the City of Cleveland, December 13, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 11:00 A.M., BUREAU OF COMMUNICATIONS, 4TH FLOOR (USE BACK DOOR), 2001 PAYNE AVENUE, CLEVELAND, OHIO 44114.

Aviation Maintenance, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1089-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., 3RD DISTRICT, 2001 PAYNE AVENUE, (REAR ENTRANCE), CLEVELAND, OHIO 44114.

The Carnegie Avenue Resurfacing Project, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 822-05, pending.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM #518, CLEVELAND, OHIO 44114.

June 1, 2005 and June 8, 2005

FRIDAY, JUNE 17, 2005

Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

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

Manhole Risers, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 486-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., ROOM #25, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Liquid Deicer, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 467-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:30 A.M., ROOM #25, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Gutterbrooms Sets and Coreless Tube Brooms, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 766-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 11:00 A.M., ROOM #25, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

June 1, 2005 and June 8, 2005

WEDNESDAY, JUNE 22, 2005

Labor and Materials Necessary to Maintain and Replace Exterior Landscaping and Other Site Landscaping, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 415-05, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 10, 2005 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Phase II Residential Sound Insulation Program (RSIP) 2005 General Construction (Contract B-05-1) and HVAC/Electrical (Contract B-05-2), for Cleveland Hopkins International Airport, Department of Port Control as authorized by Ordinance No. 930-95, 469-98 and 327-2000, passed by the Council of

the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

THERE WILL BE A **REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE #100, CLEVELAND, OHIO 44135.

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

Phase II Residential Sound Insulation Program (RSIP) 2005 General Construction (Contract C-05-1) and HVAC/Electrical (Contract C-05-2), for Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000, respectively.

THERE WILL BE A **REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE #100, CLEVELAND, OHIO 44135.

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

June 1, 2005 and June 8, 2005

THURSDAY, JUNE 23, 2005

City Hall Skylights & Roof Repair, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 835-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 17, 2005 AT 10:00 A.M., CONFERENCE ROOM #517, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44134.

June 1, 2005 and June 8, 2005

THURSDAY, JUNE 30, 2005

Miscellaneous Line and Street Lighting Materials — FRE Conduit and Fittings, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNES-

DAY, JUNE 15, 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 1, 2005 and June 8, 2005

WEDNESDAY, JULY 6, 2005

Centralized Deicing Facility. for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 465-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

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

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

June 1, 2005 and June 8, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 969-05.

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

An emergency resolution supporting the Board of County Commissioners' Clean Ohio Revitalization grant application to the Ohio Department of Development.

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 supports the Board of County Commissioners' Clean Ohio Revitalization grant application to the Ohio Department of Development which will assist in the remediation of the land located in downtown Cleveland at the mouth of the Cuyahoga River on Lake Erie for a mixed-use residential/retail neighborhood.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Ohio Department of Development and to the Board of County Commissioners of Cuyahoga County.

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

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

Adopted May 23, 2005.
Effective May 31, 2005.

Res. No. 1072-05.

By Council Member Kelley.

An emergency resolution objecting to a New C1 Liquor Permit at 7210 Memphis Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mohsha, Inc., 7210 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 6085731; 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 Mohsha, Inc., 7210 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 6085731; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency

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

Adopted May 23, 2005.
Effective May 31, 2005.

Res. No. 1073-05.

By Council Member Pierce Scott.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7516 St. Clair Avenue, and repealing Resolution No. 318-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 7516 St. Clair Avenue by Resolution No. 318-05 adopted by the Council on February 28, 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 Abu Khalid, Inc., DBA Food Town Supermarket, 7516 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0037300-0005, be and the same is hereby withdrawn and Resolution No. 318-05, 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 May 23, 2005.
Effective May 31, 2005.

Res. No. 1076-05.

By Council Members Kelley, Jackson, Brady, Brancatelli, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Johnson, Lewis, Lipovan Holan, Pierce Scott, Polensek, Reed, Sweeney, Westbrook, White and Zone.

An emergency resolution urging the Ohio Legislature to restore full funding for the Office of Ohio Consumers' Counsel and to retain the toll-free consumer call center operated by the agency.

Whereas, the Office of Ohio Consumers' Counsel ("OCC") was created under Chapter 4911 of the Ohio Revised Code and has the statutory mandate to serve as advocate for the state's residential utility customers; and

Whereas, OCC maintains a toll-free consumer call center where utility consumers can obtain assistance

in disputing a utility bill, addressing a problem with the quality of service, obtaining financial assistance, avoiding disconnection of utility services, and purchasing utility services under the state's customer choice programs; and

Whereas, House Bill 66, as passed by the Ohio House of Representatives, reduces funding for OCC's operations by \$1.5 million per year, prohibits OCC from operating a customer call center, and requires customers to take their complaints about utilities to the Public Utilities Commission of Ohio; and

Whereas, cutting OCC's funding will not affect the state's budget because OCC is funded by assessments on the utility companies and not by the general revenue fund; and

Whereas, this Council strongly believes that reducing funding for the office of OCC and eliminating OCC's customer call center will hurt the interests of this state's residential utility customers by denying customers direct access to OCC and by weakening OCC's ability to assist customers, monitor the regulated utilities, and in other respects fulfill its duties as the statutory residential consumer advocate; 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 urges the Ohio Legislature to restore the proposed funding cuts for the Office of Consumers' Counsel and to permit that agency to maintain its toll-free consumer call center.

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, Attorney General Jim Petro and Janine L. Midgen-Ostrander, Consumers Counsel.

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

Adopted May 23, 2005.

Effective May 31, 2005.

Res. No. 1077-05.

By Council Members Zone, Cimperman, Coats, Jackson, White, Britt, Sweeney, Reed, Lewis, Westbrook and Polensek.

An emergency resolution supporting the U.S. Mayors Climate Protection Agreement and urging Mayors from around the United States to join the effort.

Whereas, according to the Intergovernmental Panel on Climate Change ("IPCC"), climate disruption is a reality and human activities are largely responsible for increasing

concentrations of global warming pollution; and

Whereas, recent well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century, a forty percent decline in Arctic sea ice thickness, and nine of the ten hottest years on record occurring in the past decade; and

Whereas, climate disruption of the magnitude now predicted by the scientific community will cause costly disruption of human and natural systems throughout the world; and

Whereas, the Kyoto Protocol is an international agreement addressing climate disruption that became law on February 16, 2005 for the one hundred forty one countries that ratified the agreement; and

Whereas, the United States of America comprises less than five percent of the world's population yet is responsible for producing approximately twenty-five percent of the world's global warming pollutants; and

Whereas, the United States of America is not a party to the Kyoto Protocol; and

Whereas, the Kyoto Protocol emissions reduction target for the United States had it ratified the agreement would have been seven percent below 1990 levels by 2012; and

Whereas, many leading United States companies have adopted greenhouse gas reduction programs in a demonstration of corporate responsibility and have expressed a need for the United States to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk, and to promote sound investment decisions; and

Whereas, state and local governments throughout the United States are adopting emission reduction target programs; and

Whereas, the leadership for the adoption of emissions reduction programs is a bipartisan effort with support from Republican and Democratic governors and mayors; and

Whereas, many cities throughout the United States, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

Whereas, mayors from around the United States have signed the U.S. Mayors Climate Protection Agreement; and

Whereas, the U.S. Mayors Climate Protection Agreement urges the federal government and state government to enact policies and programs to meet or beat the Kyoto Protocol target of reducing global warming pollution levels to seven percent below 1990 levels by 2012; and

Whereas, the U.S. Mayors Climate Protection Agreement urges the United States Congress to pass the bipartisan Climate Stewardship Act

which would create a flexible, market-based system of tradable allowances among emitting industries; and

Whereas, Mayors signing the U.S. Mayors Climate Protection Agreement pledge to strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution in City operations and their communities; and

Whereas, one hundred thirty one U.S. Mayors have signed the U.S. Mayors Climate Protection Agreement; and

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

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

Section 1. That this Council hereby expresses its support of the U.S. Mayors Climate Protection Agreement and urges Mayors from around the United States to join the effort.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to United States Senator George Voinovich, United States Senator Michael DeWine, Mayor Greg Nickels, City of Seattle, and Governor Robert Taft.

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

Adopted May 23, 2005.

Effective May 31, 2005.

Ord. No. 1515-03.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 117th and 118th Streets to Mt. Pleasant Now 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). 137-07-040,

137-07-060, 137-07-069, and 137-07-070, as more fully described below, to Mt. Pleasant Now Development Corporation.

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

P. P. No. 137-07-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 169 in the Union-Rice Subdivision of part of Original One Hundred Acre Lots Nos. 444 and 452 as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 117th Street, and extending back of equal width 125 feet deep 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. 137-07-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 393 in the Union Rice ReSubdivision of part of Original One Hundred Acre Lots Nos. 452 and 444 as shown by the recorded plat in Volume 52 of Maps, Page 26 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 118th Street and extending back between parallel lines 125 feet, as appears by said plat.

Subject to zoning ordinances, if any.

P. P. No. 137-07-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being further known as being Sublot No. 125 in the Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, said Sublot No. 125 has a frontage of 35 feet on the Westerly side of East 118th Street and extends back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 137-07-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Union Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452, as shown by the recorded plat of said Subdivision in Volume 47 of Maps, Page. 24 of Cuyahoga County Records. Said Sublot No. 126 has frontage of 40 feet on the Westerly side of East 118th Street, and extends back 125 feet on the Southerly line 125 feet on the Northerly line which is also the Southerly line of Benham Avenue, S.E., and has a rear line of 40 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 May 23, 2005.

Effective May 31, 2005.

**Ord. No. 2111-04.
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 State of Ohio Office of Criminal Justice Services for the Project Safe Neighborhood - HUD Crime Reduction Project; and to enter into one or more contracts 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 Safety is authorized to apply for and accept a grant in the amount of \$101,250, from the State of Ohio Office of Criminal Justice Services to conduct the Project Safe Neighborhood - HUD Crime Reduction Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2111-04-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 enter into one or more contracts with the Cuyahoga County Sheriff's Department and the Cuyahoga Metropolitan Housing Authority to implement the program as described in the file.

Section 5. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of equipment and services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Passed May 23, 2005.

Effective May 31, 2005.

**Ord. No. 2113-04.
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 Department of Public Safety for the Project Safe Neighborhood, Operation Safe Neighborhoods Program in the First and Sixth Police Districts.

Whereas, this ordinance constitutes an emergency measure providing for 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 \$39,558, from the Ohio Department of Public Safety to conduct the Project Safe Neighborhood, Operation Safe Neighborhoods Program in the First and Sixth Police Districts; 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. 2113-04-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 2114-04.

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 University Hospitals for the Safe Communities, Law Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$60,000, from University Hospitals to conduct the Safe Communities, Law Enforcement Overtime 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. 2114-04-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 2116-04.

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 Department of Public Safety for the Ohio Safe Commutes Project Plan 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 \$23,860, from the Ohio Department of Public Safety to conduct the Ohio Safe Commutes Project 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 application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2116-04-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 583-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 31, from the United States Government; and

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

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

Section 1. That Community Development Block Grant funds in the amount of Eight Hundred Thousand Dollars (\$800,000) from Fund Nos. 14 SF 027 and 14 SF 031, Request No. 125789, are appropriated for costs of the Department of Parks, Recreation and Properties incurred from Fund 13 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

Section 3. That prior to expending funds under this ordinance, the Director of Parks, Recreation and Properties and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 586-05.

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

An emergency ordinance authorizing the Director of Economic Development to amend Enterprise Zone Agreement No. 55285 with Campus Movers, Inc. to include additional parties.

Whereas, under Ordinance No. 976-99, passed June 14, 1999, the Director of Economic Development entered into an Enterprise Zone Agreement, Contract No. 55285, with Campus Movers, Inc. for a ten-year tax abatement on certain real estate taxes as an incentive to construct a new facility at the project site located at 2160 West 106th Street ("Agreement"); and

Whereas, during the term of the Agreement, Campus Movers, Inc. ("Campus Movers") changed its name to Crown Warehousing & Logistics, Inc. ("Crown") and sold part of its business to Armbruster Moving & Storage, Inc. ("Armbruster"); and

Whereas, Habermann Family LLC ("Habermann") owns the property the business is situated on; 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 amend Enterprise Zone Agreement No. 55285 to reflect the

name change from Campus Movers to Crown and to include Armbruster and Habermann as parties to the Agreement.

Section 2. That this 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 May 23, 2005.

Effective May 31, 2005.

Ord. No. 654-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Elwell-Parker Industrial Park, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4205 St. Clair Avenue, Cleveland, Ohio, 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 Elwell-Parker Industrial Park, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4205 St. Clair Avenue, Cleveland, Ohio, 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. 654-05-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 Fifty Thousand Dollars (\$350,000.00), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103639.

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 autho-

riized 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 May 23, 2005.

Effective May 31, 2005.

Ord. No. 655-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Mister Twister, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4700 Lakeside Avenue, Cleveland, Ohio, 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 Mister Twister, LLC to provide economic development assistance to partially finance real property improvements to the property located at 4700 Lakeside Avenue, Cleveland, Ohio, 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. 655-05-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 Two Hundred Twenty Thousand Dollars (\$220,000.00), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103641.

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 May 23, 2005.

Effective May 31, 2005.

Ord. No. 658-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance or the Director of Public Utilities, as appropriate, to employ one or more consultants or one or more firms of consultants necessary to perform full integration services for network connectivity to various City facilities and various community centers that are without high-speed bandwidth or internet access; and authorizing the purchase by one or more requirement contracts for the purchase or lease of fiber, cabling, equipment, supplies and other services necessary for the network connectivity, for the Division of Information Technology and Services, Department of Finance, or the Division of Cleveland Public Power, Department of Public Utilities, as appropriate, for a period not to exceed three years; authorizing the Director Finance to enter into an agreement with the Greater Cleveland Regional Transit Authority to share network resources; and authorizing the purchase by one or more requirement contracts of network services, digital transport circuits and services, and usage services necessary to maintain and support the current voice and data telecommunications network.

Whereas, the City's existing telecommunications voice and data network system is built on equipment from SBC and thus additional services and equipment to enhance and expand that system are available from SBC only; 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 Finance or the Director of Public Utilities, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform full integration services for network connectivity to various City facilities and various community centers that are without high-speed bandwidth or internet access, including but not limited to designing, installing, testing, programming, integrating, managing connections, and incidental equipment and supplies and other services necessary to provide and maintain network connectivity authorized by this ordinance, including maintenance, support, and training, on an as-needed basis for a period of three years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance or the Director of 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 Director of Finance or the Director of Public Utilities, as appropriate, 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 or the Director of Public Utilities, as appropriate, and certified by the Director of Finance.

Section 2. That the Director of Finance or the Director of Public Utilities, as appropriate, 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 five-year period of the necessary items of the purchase or lease of fiber, cabling, equipment, supplies, and other services necessary for the services described in Section 1 which are not provided by the one or more consultants or one or more firms of consultants selected under this ordinance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance or the Division of Cleveland Public Power, Department of Public Utilities, as appropriate. 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 146241)

Section 4. 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 Finance or the Director of Public Utilities, as appropriate, may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the total cost of the contracts and purchases authorized in Sections 1, 2, and 4 shall not exceed \$462,000.

Section 6. That the Director of Finance is authorized to enter into an agreement with the Greater Cleveland Regional Transportation Authority (GCRTA) to share network resources by allowing the City to connect to GCRTA's fiber optic and wireless network and to allow GCRTA to connect to the City I-NET. There will be no compensation paid to or by the City or GCRTA for these connections.

Section 7. That the contract shall be prepared by the Director of Law and shall contain terms and conditions to protect the City's interest, including the proper security provisions.

Section 8. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than SBC. Therefore, the Director of Finance is authorized to make one or more written contracts with SBC for the requirements for a one year period of the necessary items of network services, digital transport circuits and services, and usage services necessary to maintain and support the current voice and data telecommunications network, expanded under the authority of the above sections, in the approximate amount as purchased during the preceding terms, with one option exercisable by the Director of Finance, to renew for an additional one-year term.

Section 9. That the cost of the contract or contracts authorized in Section 8 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 Director of Finance under a requisition against the contract or contracts certified by the Director of Finance.

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 May 23, 2005.
Effective May 31, 2005.

Ord. No. 718-05.

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

An emergency ordinance authorizing the Director of Consumer Affairs to apply for and accept grants and gifts from public and private entities to support the Anti-Predatory Lending Public Awareness Campaign.

Whereas, this ordinance constitutes an emergency measure providing for 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 Consumer Affairs is authorized to apply for and accept grants and gifts from public and private entities for the purpose of funding programs, events, projects, and services in conjunction with the Anti-Predatory Lending Public Awareness Campaign during the duration of the campaign. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and on acceptance of the funds by the Director, they shall be appropriated for the purposes contained in this ordinance.

Section 2. That the gifts and grants received under this ordinance shall be placed in 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 May 23, 2005.
Effective May 31, 2005.

Ord. No. 725-05.

By Council Member Lewis.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-06-035 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 107-06-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 104 in Joseph Hoffman's Posen Subdivision, of part of Original One Hundred Acre Lot Nos. 375 and 376, as shown by the recorded plat of said Subdivision in Volume 20 of Maps, Page 29 of Cuyahoga County Records. Said Sublot No. 104 has a frontage of 38.46 feet on the West-erly side of Ansel Road, N.E., is 112.95 feet deep on the Northerly line, 132.78 feet deep on the Southerly line and is 33 feet wide in the rear, 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 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. 107-06-101 as more fully described below to Cleveland Municipal School District.

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

P. P. No. 107-06-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 181 in the Joseph Hoffman's Posen Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376, as shown by the recorded plat of said Subdivision in Volume 20 of Maps, Page 29 of Cuyahoga County Records. Said Sublot has a frontage of 30 feet front on the Northerly side of Sowinski Avenue N.E. and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-06-090 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 107-06-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 28-1/2 feet of Sublots Nos. 105 and 105-1/2 and part of the Posen Subdivision of part of Original One Hundred Acre Lots Nos. 375 and 376, as shown by the recorded plat of said Subdivision in Volume 20 of Maps, Page 29 of Cuyahoga County

Records. Said parts of Sublots Nos. 105 and 105-1/2 together form a parcel of land having a frontage of 33-1/2 feet on the Southerly side of Sowinski Avenue, N.E., and extending back between parallel lines 78 feet, as appears by said plat and includes the Easterly one-half of a 10 foot alley (formerly known as East 86th Place) which lies West-erly from and contiguous to the West-erly line of said Sublots Nos. 105 and 105-1/2 between the West-erly extension of the Northerly line of Sublot No. 105-1/2 and the West-erly extension of the Southerly line of Sublot No. 105, having been vacated by vacation plat recorded in Volume 170 of Maps, Page 9 of Cuyahoga County Records 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. 107-06-084 as more fully described, to Cleveland Municipal School District.

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

P. P. No. 107-06-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 111 and a part of vacant portion of Hedwig Court, Northeast, in Joseph Hoffman's Posen Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and together forming a parcel of land 30 feet front on the Southerly side of Sowinski Avenue, Northeast, and extending back of equal width 105 feet to the center-line of Hedwig Court, Northeast, now vacated, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 9. Reserved.

Section 10. Reserved.

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. 107-06-096 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 107-06-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 186 in Joseph Hoffmans' Posen Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and being 30 feet front on the Northerly side of Sowinski Avenue, N.E. (formerly Sowinski Street) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. Reserved.

Section 14. Reserved.

Section 15. 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. 107-06-037 as more fully described below, to Cleveland Municipal School District.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 107-06-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 101 and 102 in Posen's Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Kosciuszko Avenue, N.E. (formerly Hoffman Avenue), at its point of intersection with the West-erly line of East 87th Street, (formerly Gloyd Street) as dedicated by plat recorded in Volume 25 of Maps, Page 6 of Cuyahoga County Records; thence Northerly along said West-erly line of East 87th Street 45 feet to the Southeasterly corner of land conveyed to Julian Prall and Katie Prall by deed dated October 13, 1923, and recorded in Volume 2958, Page 31 of Cuyahoga County Records; thence West-erly along the Southerly line of land so conveyed to Julian Prall and Katie Prall, 110 feet to a point 65/100 feet Easterly, (measured at right angles) from the West-erly line of said Sublot No. 102; thence Southerly parallel with the West-erly lines of said Sublot Nos. 102 and 101, 45 feet to said Northerly line of Kosciuszko Avenue, N.E.; thence Easterly along said Northerly line of Kosciuszko Avenue, N.E. 110 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 17. 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. 107-06-082 as more fully described below, to Cleveland Municipal School District.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 107-06-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 113 in the Joseph Hoffman's "Posen" Subdivision of a part of Original One Hundred Acre Lot Nos. 375 and 376, and a Re-Subdivision of Sublot Nos. 1 to 17, of the Oak Grove Allotment, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Sowinski Avenue N.E., and extending back of equal width 105 feet to the center line of Hedeig Court, N.E. (now vacated), as ap-

pears by said plat, be the same more or less, but subject to all legal highways.

Section 19. 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. 107-06-089 as more fully described below, to Cleveland Municipal School District.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 107-06-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 106 and the Westerly one-half of a 10 foot wide alley, vacated by Ordinance No. 916-58, passed April 28, 1958, as shown by Joseph Hoffman's Posen Subdivision of part of Original One Hundred Acre Lot No. 375, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records.

Said Sublot No. 106 and portion of vacated alley forming a parcel of land being 35 feet front on the Southerly side of Sowinski Avenue, N.E., and extending back of equal width 99 feet deep on the Westerly line, having a broken Easterly line about 89 feet deep and an irregular line in the rear along Hedwig Court, N.E., (12 feet wide), as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. 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. 107-06-034 as more fully described below, to Cleveland Municipal School District.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 107-06-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 105 and 105-1/2 in the Posen Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Southwesterly line of Ansel Road, N.E., at the Southeastly corner of said Sublot No. 105; thence Westerly along the Southerly line of said Sublot No. 105, 84.45 feet to a point distant Easterly measured along said Southerly line, 28.50 feet from the Southwestly corner of said Sublot No. 105; thence Northerly parallel with the Westerly line of said Sublot Nos. 105 and 105-1/2 to a point on the Southerly side of Sowinski Avenue, N.E., distant Easterly, measured along said Southerly line 28.50 feet from the Northwestly corner of said Sublot No. 105-1/2; thence Easterly along the Southerly line of Sowinski Avenue, N.E., 37.58 feet to the Northeastly corner of said Sublot No. 105-1/2; thence Southeastly along the Southwesterly side of

Ansel Road, 90.92 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 22. 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 23. 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 24. 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 25. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 757-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kinsman Road to Burten, Bell, Carr Development, Inc. 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 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. 124-27-028 as more fully described below, to Burten, Bell, Carr Development, Inc. 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. 124-27-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 12, in Sebastian Fieg's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records and being about 42.5 feet front on the Easterly side of East 72nd Street, and extending back about 105 feet deep on the Northerly line, about 128.10 feet deep on the Southerly line and about 36 feet deep on the rear, 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 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. 124-27-029 as more fully described below to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 124-27-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 35 feet of the Northerly 70 feet of Sublot No. 12 in Sebastian Fieg's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records and being 42.50 feet front on the Easterly side of East 72nd Street (formerly Fairbanks Street), about 105 feet deep on the Northerly line, about 81 feet deep on the Southerly line and 35 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-27-030 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 124-27-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Sublot No. 12 in S. Fieg's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat of said Allotment in Volume 4 of Maps, Page 60 of Cuyahoga County Records, bounded and described as follows:

Beginning at the intersection of the Northerly line of Kinsman Road, S.E., and the Northeasterly line of East 72nd Street (formerly Fairbanks Street); thence Easterly along the Northerly line of Kinsman Road, S.E., a distance of 19 feet to the Westerly line of land conveyed by John Vogler and Eliza Vogler to John Klee, by deed February 9, 1921, and recorded in Volume 2475, Page 399 of Cuyahoga County Records; thence Northerly along the said Westerly line of Klee's land, which said line is parallel to and distant Westerly one foot from the Easterly line of said Sublot No. 12, a distance of 53 feet; thence Easterly along a line parallel with the Northerly line of Kinsman Road, S.E., a distance of one foot to the Easterly line of said Sublot No. 12; thence Northerly along the Easterly line of said Sublot No. 12, a distance of 37 feet to the Southerly line of land conveyed by Eliza Bogler and husband to Edward E. Stoneman by deed dated July 26, 1890, and recorded in Volume 468, Page 525 of Cuyahoga County Records; thence Westerly along the Southerly line of Stoneman's land a distance of about 81 feet to the Northeasterly line of East 72 Street; thence Southeasterly along the Northeasterly line of East 72nd Street, to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-27-032 as more fully described, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 124-27-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Sebastian Feig's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat of said Allotment in Volume 4 of Maps, Page 60 of Cuyahoga County Records.

Said Sublot No. 11 has a frontage of 30 feet on the Northerly side of Kinsman Road, S.E., and extends back between parallel lines 160 feet to Falcon Road, S.E., (formerly South Alley), as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.
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. 124-27-033 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 124-27-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 36 feet of Sublot No. 10 in Sebastian Fieg's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat of said Allotment in Volume 4 of Maps, Page 60 of Cuyahoga County Records, and being 36 feet front on the Northerly side of Kinsman Road, S.E., and extending back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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. 124-27-034 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 124-27-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 20 feet of Sublot No. 9 and the Easterly 14 feet of Sublot No. 10 in Sebastian Fieg's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records, and together forming a parcel of land 34 feet front on the Northerly side of Kinsman Road, S.E., and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Existing Zoning Ordinance if any.

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. 124-27-035 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-27-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of Sublot No. 9 in the S. Fieg's Subdivision of a part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat of said Subdivision in Volume 4 of Maps, Page 60 of Cuyahoga County Records. Said part of Sublot No. 9 has a frontage of 30 feet on the Northerly side of Kinsman Road S.E. and extending back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. 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. 124-27-036 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-27-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 40 feet of Sublot No. 8 in Sebastian Fieg's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records, and being 40 feet front on the Northeasterly side of Kinsman Road, S.E., (formerly Kinsman Street) and extending back of equal width 160 feet to the Southwesterly line of Falcon Road, S.E., be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 17. 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. 124-27-037 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-27-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 20 feet of Sublot No. 7 and the Southeasterly 10 feet of Sublot No. 8 in Sebastian Fieg's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 30 feet on the Northeasterly side of Kinsman Road S.E., (formerly Kinsman Street) and extending back between parallel lines 160 feet to an alley in the rear now known as Falcon Road, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 19. 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. 124-27-038 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-27-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the South-

easterly 30 feet of Sublot No. 7 in Sebastian Fieg's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records, and being 30 feet front on the North-easterly side of Kinsman Road, S.E., and extending back between parallel lines 160 feet to Falcon Road, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 21. 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. 124-27-039 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-27-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 25 feet, 10 inches from front to rear of Sublot No. 6 in Sebastian Fieg's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat of said Subdivision in Volume 4 of Maps, Page 60 of Cuyahoga County Records. Said part of Subdivision 6 has a frontage of 25 feet, 10 inches on the Northerly side of Kinsman Road, S.E., (formerly Kinsman Street), and extends back between parallel lines 160 feet to a 16 foot alley (now known as Falcon Road, S.E.), as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 23. 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. 124-27-040 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 24. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-27-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the East-erly 24 feet, 2 inches of Sublot No. 6 in Sebastian Fieg's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 60 of Cuyahoga County Records, and being 24 feet, 2 inches front on the Northerly side of Kinsman Road, S.E., and extending back of equal width 160 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 25. 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 26. 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 27. 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 28. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 759-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the labor and materials necessary to furnish and install airfield signage, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year of the necessary items of labor and materials necessary to furnish and install airfield signage, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control deter-

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129219)

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 765-05.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Board of Education to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2004-2005 school year.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2004-2005 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Director of Parks, Recreation and Properties and Finance are authorized to enter

into one or more contracts with the Board of Education of the Cleveland City School District to conduct various recreational, cultural and extra-curricular programs for the benefit of City school children during the 2004-2005 school year, under the program description contained File No. 765-05-A. The cost of the contract or contracts shall not exceed \$2,000,000 and shall be payable from the fund or funds to which are credited the proceeds of the taxes levied under Ordinance No. 1025-A-95, passed June 28, 1995, under such terms and conditions as are acceptable to the Director of Law.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 768-05.

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

An emergency ordinance authorizing the Directors of Community Development and Building and Housing to enter into one or more contracts without competitive bidding with Hewlett-Packard Co. and Progress Software for the purchase of computer hardware and software maintenance, for the Departments of Community Development and Building and Housing, 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Hewlett-Packard Co. Therefore the Directors of Community Development and Building and Housing are authorized to make one or more written contracts with Hewlett-Packard Co. on the basis of its proposal, for computer hardware maintenance for a period not to exceed two years, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Departments of Community Development and Building and Housing.

Section 2. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Progress Software. Therefore the Directors of Community Development and Building and Housing are authorized to make one or more written contracts with Progress Software for maintenance on ACES software for a period not to exceed two years, to be purchased by the Commissioner of Purchases and supplies for a gross price for

the Departments of Community Development and Building and Housing.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 01-800101-661200, 01-850101-661200, and 14 SF 031, Request No. 149507.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 817-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to remove rubber and any other contaminants from paved surfaces, for the various divisions of the Department of Port Control.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later 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 133202)

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

Passed May 23, 2005.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 818-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to conduct audits of select vendors, tenants and concessionaires of the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to 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 conduct audits of select vendors, tenants and concessionaires of the various divisions of the Department of Port Control.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 133201.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 819-05.

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

An emergency ordinance authorizing the Director of Port control to make alterations and modifications in Contract No. 61473 with Great Lakes Construction Co. for the relocation of NASA's CCL and HTF site at NASA Glenn's Plum Brook Station in Sandusky, Ohio.

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

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

Section 1. That the Director of Port Control is authorized to make the following alterations and modifications in Contract No. 61473 with Great Lakes Construction Co. for the relocation of NASA's CCL and HTF site at NASA Glenn's Plum Brook Station in Sandusky, Ohio, for the Department of Port Control:

Cleveland Hopkins International Airport Expansion Program

NASA-CCL - Subsidiary Agreement - Order of Magnitude Costs

<u>Description</u>	<u>Remarks</u>	<u>Amounts</u>
NASA-CCL		
1. Change Order #14	Remaining contingency monies in the contract	\$ 419,249.20
2. Proposed Global Settlement	See the breakdown (below)	\$ 831,000.00
a. Lack of Productivity (GEM)		\$ 0
b. Additional Project Management Costs		\$ 0
c. "Black and Blue" Commercial issues		\$ 0
d. "Red Items" Commercial Issues		\$ 57,000
e. Conduit & Cable Schedule changes (CM #64)		\$ 180,000
f. Extended Overhead (8/31 - 11/8/05)		\$ 584,000
g. Extra bonding costs for GLC, etc....		\$ 0
h. Interest on "late" payments		\$ 10,000
i. Interest on "late" partial retainer release		\$ 0
	Total Proposed Global Settlement Amount:	\$ 831,000.00
Total Subsidiary Amount	(Remaining contingency monies) - (proposed Global Settlement)	\$ 411,750.80
Original Contract Amount	Funds certified for Contract 61473	<u>\$14,367,470.40</u>

Original Contract Price:	\$14,367,470.40
Subsidiary Additions	<u>+ 411,750.80</u>
New Contract Amount	\$14,779,221.20

which alteration has been recommended in writing by the Director of Port Control, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract in the amount of \$411,750.80, to be paid from Fund No. 60 SF 128.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 852-05.**By Council Member Johnson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Jeff Kirkman.

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). 128-16-010, as more fully described below, to Jeff Kirkman.

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

P. P. No. 128-16-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in the Cleveland Realty Investment Company's Woodland Heights Subdivision of part of Original One Hundred Acre Lots Nos. 433 and 434, as shown by the recorded plat or said Subdivision of Volume 56 of Maps, Page 4 of Cuyahoga County Records. Said Sublot No. 52 has a frontage of 35 feet on the Easterly side of East 93rd Street, and extends back 150-52/100 feet on the Northerly line, 150 43/100 feet on the Southerly line and is 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

tor 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 May 23, 2005.

Effective May 31, 2005.

Ord. No. 853-05.**By Council Members Gordon and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to enter into lease agreements with various non-profit agencies to provide facilities for recreation activities.

Whereas, this ordinance constitutes an emergency measure providing for 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 or amend contracts with various agencies to provide social service programs.

Section 2. That the Director of Public Safety is authorized to enter into or amend contracts with various non-profit and governmental agencies to provide school safety programs.

Section 3. That the Director of Community Relations is authorized to enter into or amend contracts with various non-profit agencies to provide youth at risk programs.

Section 4. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is authorized to enter into lease agreements with St. Joseph's Church of Collinwood and Greater New Calvary Baptist Church for a one year term in an amount not to exceed \$19,800.00 each to provide facilities for recreation activities.

Section 5. That the Director of Community Development is authorized to enter into Memoranda of Understandings with the Directors of Public Safety, Community Rela-

tions, and Parks, Recreation and Properties for the purposes described in Sections 2, 3 and 4 above.

Section 6. That the aggregate cost of the contracts authorized by this ordinance must be in an amount not to exceed \$2,660,000.00 and will be paid from Fund No. 14 SF 031 and from any prior year CDBG social service program balance, Request No. 125794.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 854-05.**By Council Members Cimperman, Gordon and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Community Development to enter into a development agreement with Zaremba, Inc., or its designee, for the sale and redevelopment of City-owned urban renewal parcels located on East 12th and East 13th Streets; and authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to Zaremba, Inc., or its designee.

Whereas, the Director of Community Development has requested the sale of three City-owned urban renewal parcels no longer needed for public use and located on East 12th and East 13th Streets to Zaremba, Inc., or its designee, (the "Redeveloper"); 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 any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a development agreement with the Redeveloper, for the acquisition, disposition, and private redevelopment of the following City-owned Urban Renewal Parcels:

Urban Renewal Parcel No. 9-B

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots Nos. 65 and 84, part of Sublots Nos. 64, 66, 83 and 85 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178 to 181, both inclusive, and part of Two Acre Lots Nos. 182, 187, 188, 189 and 190, as shown by the recorded plat in Volume 1 of Maps, Page 29 of Cuyahoga County Records, part of Canfield Court N.E., 20 feet in width (now vacated) and part of St. Clair

Avenue N.E., (now vacated) by Ordinance No. 914-79, passed by the Council of the City of Cleveland on May 21, 1979 and shown by the Vacation Plat recorded in Volume 225 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at its intersection with the northeasterly line of East 12th Street, 140 feet in width, as shown by the Dedication Plat recorded in Volume 231 of Maps, Page 12 of Cuyahoga County Records;

Course No. 1: thence North 55°-41'-40" East along said southeasterly line of Hamilton Avenue N.E., 101.88 feet to the northwesterly corner of land conveyed to B. A. Carran by deed dated September 7, 1946 and recorded in Volume 6216, Page 16 and by deed recorded in Volume 12384, Page 0127 of Cuyahoga County Records;

Course No. 2: thence South 34°-02'-48" East along the southwesterly line of lands so conveyed to B. A. Carran, 99.90 feet to a point in the northwesterly line of Canfield Court, N.E., 20.00 feet in width;

Course No. 3: thence South 09°-08'-37" East, along the southwesterly line of Canfield Court N.E., 22.09 feet to the northwesterly corner of land conveyed to David E. Owen (one-half interest) by deed dated May 14, 1981 and recorded in Volume 15453, Page 315 of Cuyahoga County Records, and Abe Owen (one-half interest) by deed dated April 18, 1975 and recorded in Volume 13824, Page 175 of Cuyahoga County Records;

Course No. 4: thence South 33°-59'-17" East along the southwesterly line of land so conveyed to David E. Owen and Abe Owen, and along the southeasterly prolongation thereof, 159.54 feet to a point in the northwesterly line of relocated St. Clair Avenue N.E.;

Course No. 5: thence southwesterly along said northwesterly line Avenue N.E., being along the arc of a of relocated St. Clair curve deflecting to the right, 41.05 feet to a point of tangency said curved line having a radius of 460.50 feet and a chord which bears South 53°-15'-20" West a distance of 41.04 feet;

Course No. 6: thence South 55°-48'-42" West along the northwesterly line of St. Clair Avenue N.E., as now relocated, 51.71 feet to a point in the aforementioned northeasterly line of East 12th Street;

Course No. 7: thence North 33°-50'-17" West, along said northeasterly line of said East 12th Street, 281.08 feet to the place of beginning, containing 27,053 square feet of land (0.6211 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in June, 1987, 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 all of Sublots Nos. 86, 87 and 88 and part of Sublot No. 85 in Levi Johnson's

Allotment of all of Original Two Acre lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records and part of St. Clair Avenue N.E. (now vacated) by Ordinance No. 914-79, passed by the Council of the City of Cleveland on May 21, 1979 and shown by the Vacation Plat recorded in Volume 225 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Canfield Court N.E., 20 feet in width, at the northeasterly corner of said Sublot No. 88;

Course No. 1: thence South 34°-11'-18" East along the northeasterly line of said Sublot No. 88 and southeasterly prolongation thereof, 120.72 feet to a point in the northwesterly curved line of St. Clair Avenue N.E., of various widths, as now established;

Course No. 2: thence westerly along said northwesterly line of St. Clair Avenue N.E., and along the arc of a circle deflecting to the left, 134.06 feet to a point of reverse curvature, said curved line having a radius 559.50 feet and a chord which bears South 46°-16'-32" West a distance of 133.74 feet;

Course No. 3: thence westerly along a northwesterly line of said St. Clair Avenue N.E., along the arc of a circle deflecting to the right, 90.77 feet to the southeasterly corner of land conveyed to Hamilton Joint Venture by deeds dated July 7, 1987 and recorded in Volume 87-4583, Pages 5 and 10 of Cuyahoga County Records, said curved line having a radius 460.50 feet and chord which bears South 45°-03'-27" West a distance of 90.62 feet;

Course No. 4: thence North 33°-59'-17" West along a northeasterly line of land so conveyed to Hamilton Joint Venture, 159.54 feet to a point in the aforementioned southeasterly line of Canfield Court N.E.;

Course No. 5: thence North 55°-44'-57" East along said southeasterly line of Canfield Court N.E., 220.36 feet to the place of beginning, containing 30,565 square feet of land (0.7017 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Southeasterly half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Sublot No. 89 in Levi Johnson's Allotment of all of Original Two Acre lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records and part of St. Clair Avenue N.E. (now vacated) by Ordinance No. 914-79,

passed by the Council of the City of Cleveland on May 21, 1979 and shown by the Vacation Plat recorded in Volume 225 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the northwesterly line of St. Clair Avenue N.E., 99 feet in width, at its intersection with the southwesterly line of East 13th Street (formerly Canfield Street and East 14th Street, now named East 13th Street) by Ordinance No. 2548 passed June 13, 1983 by the Council of the City of Cleveland) 63.33 feet in width;

Course No. 1: thence South 55°-48'-42" West along said northwesterly line of St. Clair Avenue N.E., 17.77 feet to a point of tangency;

Course No. 2: thence westerly along said northwesterly line of St. Clair Avenue N.E., and along the arc of a curve deflecting to the left, 26.09 feet to its intersection with a southerly prolongation of the southwesterly line of said Sublot No. 89, said curved line having a radius of 559.50 feet and chord which bears South 54°-28'-33" West a distance of 26.09 feet;

Course No. 3: thence North 34°-11'-18" West along said southerly prolongation and along the southwesterly line of said Sublot No. 89, 120.72 feet to a point in the southeasterly line of Canfield Court N.E., 20 feet in width;

Course No. 4: thence North 55°-44'-57" East along said southeasterly line of Canfield Court N.E., 43.69 feet to a point in the aforementioned southwesterly line of East 13th Street;

Course No. 5: thence South 34°-15'-39" East along said southwesterly line of East 13th Street, 120.16 feet to the place of beginning, containing 5,262 square feet of land (0.1208 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in September 1988, be the same more or less, but subject to all legal highways, and further known as 1331 St. Clair Avenue N.E., Cleveland, Ohio and bearing Cuyahoga County Auditor's Permanent Parcel No. 102-6-47.

Together with that portion of the Southeasterly half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the part of Sublot No. 70 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume I of Maps, Page 29 of Cuyahoga County Records, forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at its intersection with the southwesterly line of East 13th Street (formerly Canfield Street and East 14th Street, now named

East 13th Street by Ordinance No. 2548 passed June 13, 1983 by the Council of the City of Cleveland) 63.33 feet in width;

Course No. 1: thence South 34°-15'-39" East along said southwesterly line of East 13th Street, 100.13 feet to its intersection with the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 43.74 feet to the most southerly corner of said Sublot No. 70;

Course No. 3: thence North 34°-12'-57" West along the southwesterly line of said Sublot No. 70, 100.09 feet to the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 43.66 feet to the place of beginning, containing 4,375 square feet of land (0.1004 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records,

Parcel No. 5

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 69 in Levi Johnson's Allotment of all of original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records, forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue, N.E., 40 feet in width, at the northeasterly corner of said Sublot No. 69;

Course No. 1: thence South 34°-12'-57" East along the most northeasterly line of said Sublot No. 69, 100.09 feet to the easterly corner thereof, being also in the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 49.99 feet to the most southerly corner of said Sublot No. 69;

Course No. 3: thence North 34°-11'-12" West along the southwesterly line of said Sublot No. 69, 100.05 feet to the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 49.94 feet to the place of beginning, containing 4,999 square feet of land (0.1148 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November, 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the

above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 6

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 68 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lots Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records, forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at the northeasterly corner of said Sublot No. 68;

Course No. 1: thence South 34°-11'-12" East along the northeasterly line of said Sublot No. 68, 100.05 feet to the southeasterly corner thereof, being also in the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 56.99 feet to the southwesterly corner of said Sublot No. 68;

Course No. 3: thence North 34°-09'-13" West along the southwesterly line of said Sublot No. 68, 99.99 feet to the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 56.93 feet to the place of beginning, containing 5,698 square feet of land (0.1308 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November, 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 7

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 22 feet of Sublot No. 67 in Levi Johnson's Allotment of a part of Original Two Acre Lots Nos. 178 and 182 and 187 to 190 in said City of Cleveland.

Said part of said Sublot No. 67 has a frontage of 22 feet on the Southerly side of Hamilton Avenue N.E. and extends back of equal width 100 feet deep, as per plat of said Allotment recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Parcel No. 8

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

Ohio, and known as being a part of Sublot Nos. 66 and 67 in Levi Johnson's Allotment of all of Original Two Acre Lots Nos. 178, 179, 180 and 181 and part of Original Two Acre Lot Nos. 182, 187, 188, 189 and 190 as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the southeasterly line of Hamilton Avenue N.E., 40 feet in width, at the point distant South 55°-41'-49" West as measured along said southeasterly line of Hamilton Avenue N.E., 22.00 feet from the northeasterly corner of said Sublot No. 67, said place of beginning being also the northwesterly corner of land conveyed to Hamilton Joint Venture by deed dated June 1, 1988 and recorded in Volume 88-2818, Page 48 of Cuyahoga County Records;

Course No. 1: thence South 34°-09'-13" East along the southwesterly line of land so conveyed to Hamilton Joint Venture parallel with the northeasterly line of said Sublot No. 67, 99.97 feet to a point in the northwesterly line of Canfield Court N.E., 20 feet in width;

Course No. 2: thence South 55°-44'-57" West along said northwesterly line of Canfield Court N.E., 81.97 feet to a southeasterly corner of land conveyed to Hamilton Joint Venture by deeds dated July 7, 1987 and recorded in Volume 87-4583, Pages 5 and 10 of Cuyahoga County Records;

Course No. 3: thence North 34°-02'-48" West along a northeasterly line of land so conveyed to Hamilton Joint Venture, 99.90 feet to a point in the aforementioned southeasterly line of Hamilton Avenue N.E.;

Course No. 4: thence North 55°-41'-49" East along said southeasterly line of Hamilton Avenue N.E., 81.78 feet to the place of beginning, containing 8,182 square feet of land (0.1878 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in November, 1989, be the same more or less, but subject to all legal highways.

Together with that portion of the Northwest half of Canfield Court N.E., 20 feet wide, contiguous to the above described parcel as vacated by Ordinance No. 549-92 and as shown on the Vacation Plat recorded in Volume 259 of Maps, Page 14 of Cuyahoga County Records.

Urban Renewal Parcel No. 22-A-2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 175, 176 and 177 in the Nathan Perry Allotment as shown in Deed Book 35, Page 11 of Cuyahoga County Records and a part of Emerald Court, N.E. (18 and 28 feet wide) vacated by Ordinance Number 1816-77, passed by the Council of the City of Cleveland on August 1, 1977, and being further known as Parcel 22-A-2 in the Erieview Renewal Project II, and bounded and described as follows:

Beginning in the Southerly line of St. Clair Avenue, N.E. (99 feet wide) as dedicated by the recorded

plat in Volume 188 of Maps, Page 7 Of Cuyahoga County Records, at its intersection with the Easterly line of East 12th Street (140 feet wide), as proposed to be widened; thence South 33°-59'-17" East, along the Easterly line of said East 12th Street, as proposed to be widened, 275.65 feet to its intersection with the Northerly line of Rockwell Avenue, N.E. (60 feet wide); thence North 55°-39'-15" East, along the Northerly line of said Rockwell Avenue, N.E., 135.00 feet to a point; said point being at the Southwesterly corner of a parcel conveyed to St. Clair Place, L.T.D. by deed recorded in Volume 14636, page 79 of Cuyahoga County Records; thence North 33°-59'-17" West, along a Westerly line of land so conveyed to St. Clair Place, L.T.D., 221.14 feet to a point; said point being in a Northwesterly corner of said land conveyed to St. Clair Place, L.T.D.; thence North 47°-27'-28" East, along a Northwesterly line of land so conveyed to St. Clair Place, L.T.D., 75.84 feet to an inner corner therein; thence North 33°-59'-17" West, along a Westerly line of land so conveyed to St. Clair Place, L.T.D., 65.73 feet to the proposed Southerly line of St. Clair Avenue, N.E.; thence South 47°-27'-28" West, along said proposed Southerly line of St. Clair Avenue, N.E., 153.15 feet to its intersection with the Southerly line of St. Clair Avenue as dedicated in Volume 188 of Maps, Page 7 of Cuyahoga County Records; thence South 55°-27'-26" West, along said Southerly line of St. Clair Avenue, N.E., 58.55 feet to the place of beginning and containing 42,583 square feet (0.9776 Acres) of land, be the same more or less, but subject to all legal highways.

Urban Renewal Parcel No. 23-A-1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Original Ten Acre Lots Numbers 100 and 101 and Sublot Number 1 in the Henry Wick's Re-Allotment, of a part of Original Ten Acre Lot Number 102, as shown by the recorded plat in Volume 2 of Maps, Page 10 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Northwesterly line of Superior Avenue N.E. (132' wide), with the Northeasterly line of East 14th Street (66' wide); thence North 55°-42'-39" East, along said Northwesterly line of Superior Avenue N.E., 580.41' to the most Westerly corner of land conveyed to William H. Bassichis by deed dated November 21, 1972 and recorded in Volume 13158, Page 119 of Cuyahoga County Records; said point being also the most Westerly corner of Sublot No. 2 in said Henry Wick's Re-Allotment; thence North 32°-19'-16" West, along the Southwesterly line of said Sublot No. 2, being also the Southwesterly line of land so conveyed to William M. Bassichis, 283.48' to the Southeasterly line of Rockwell Avenue N.E. (60' wide), which point is the most Westerly corner of Sublot

Number 2 in said Henry Wick's Re-Allotment; thence South 55°-39'-15" West, along said Southerly line of Rockwell Avenue N.E., 478.63' to a point, 104.72' Easterly from its intersection with the Northeasterly line of said East 14th Street; thence South 34°-20'-38" East, 114.06' to a point; thence South 55°-39'-15" West, 107.57' to a point in said Northeasterly line of East 14th Street; thence South 32°-54'-45" East, along said Northeasterly line of East 14th Street, 168.71' to the place of beginning and containing 152,574 square feet (3.5026 acres) of land according to a survey dated Revised, February, 1980, by the City of Cleveland, Department of Public Service, Division of Engineering and Construction, Plats and Surveys, be the same more or less, but subject to all legal highways.

Section 2. That certain terms of the development agreement, File No. 854-05-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 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 properties described in Section 1 of this ordinance are no longer needed for public use.

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described properties to the 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. That \$5.5 million of the purchase price, that is determined by the Board of Control, shall be paid to the City of Cleveland on or before October 15, 2005.

Section 5. 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 project-related identification signs.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 855-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$7,270,000.00, and shall be paid from Federal HOME Grant Fund Nos. 13 SF 895 and 13 SF 236 and Community Development Block Grant Fund No. 14 SF 027, 14 SF 028, 14 SF 029, 14 SF 030, and 14 SF 031, Request No. 149505.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and use the repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14. The revenues generated as a result of charging fees are appropriated for additional program and operating expenses for Housing Trust Fund activities.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 857-05.

**By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contracts with CDBG-eligible agencies to implement the Cityworks 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 Community Development is hereby authorized to enter into contracts with various CDBG-eligible agencies to implement the Cityworks Program.

Section 2. That the aggregate cost of the contracts must be in an amount not to exceed \$200,000.00, and any prior years CDBG Cityworks program balances, and will be paid from Fund No. 14 SF 031, Request No. 125793.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 889-05.

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

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

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

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

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

on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council finds and determines that the revised assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

Section 5. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 890-05.

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

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

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

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

Section 1. That the assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 88th Street from Clark Avenue to Denison Avenue (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 351-04, adopted March 8, 2004 and amounting in the aggregate to \$201,358.94, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 890-05-A is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement fifty percent (50%) of each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council finds and determines that the revised assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

Section 5. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

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

Passed May 23, 2005.

Effective May 31, 2005.

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

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

Whereas, an additional subsidiary agreement is necessary in order to complete Contract No. 57531; and

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

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

Section 1. That the Director of Port Control is authorized to make the following alterations and modifications in Contract No. 57531 with Independence Excavating Inc. for the construction of Abram Creek, for the Department of Port Control:

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

1. Excavation and Embankment (Stockpile L to Area 6A/6B)	\$404,400.00	
2. Stabilize Area 6B	\$45,684.23	
3. Environmental Contingency Related to SWP3 Compliance	\$177,820.00	
Total Subsidiary Additions:	\$627,904.23	
% INCREASE OF CONTRACT		1.16%
Original Contract Price	\$49,293,266.98	
First Subsidiary Addition	<u>+ 4,818,000.00</u>	Ord. No. 1685-03, passed 9-22-03
Revised Contract Amount	\$54,111,266.98	
Revised Contract Amount	\$54,111,266.98	
Additions this subsidiary	<u>+ 627,904.23</u>	
TOTAL REVISED CONTRACT AMOUNT	\$54,739,171.21	

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

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 896-05.
By Council Members Westbrook, Cimperman, and Jackson (by departmental request).

An emergency ordinance determining the necessity of the emergency expansion of Continental Airlines Inc.'s baggage make-up area and of the security checkpoint at Concourse C at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into an agreement with Continental Airlines Inc. for the design and installation of the improvements.

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

Whereas, Continental Airlines Inc. ("Continental") had the expertise to complete the design and installation

of the new security checkpoint within the time frame mandated by the TSA; and

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

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

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

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

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

Section 1. That this Council determines that the emergency expansion of Continental's baggage make-up area and the security checkpoint at Hopkins Airport is necessary to protect the public health, safety and welfare of passengers using the airport terminal. Therefore, this Council authorizes the Director of Port Control to enter into an agreement with Continental for the design and installation of the improvements at Hopkins Airport. Consistent with legislation previously passed by this Council relating to expansion and improvements of facilities at Hopkins Airport, the Director of Port Control shall include in the agreement authorized by this ordinance a requirement that Continental Airlines, Inc. use best efforts to meet the following employment goals: For all design and construction contracts, 30% minority business enterprises and 10% female business enterprises, and for new construc-

tion hires, 20% City of Cleveland residents.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, any from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which include this project, Request No. 133203.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 897-05.

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

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

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating the Waste Water System in order to comply with the findings and orders of the Ohio EPA, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, any from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose

which include this project, Request No. 150568.

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 899-05.

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

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

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

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

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

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

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

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 900-05.

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

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

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

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

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

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

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

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

Passed May 23, 2005.

Effective May 31, 2005.

Ord. No. 907-05.

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

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

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

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

Section 1. That Community Development Block Grant funds in the amount of \$40,000 from Fund No. 14

SF 030 are appropriated for activities related to the promotion of various housing events in the City of Cleveland.

Section 2. That the Director of Community Development is authorized to expend CDBG funds for activities related to the promotion of various housing events in the City of Cleveland.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 908-05.

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

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

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

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

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

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

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

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

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

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 941-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept services at no cost to the City in the nature of onsite data gathering and an analysis from Advizex Technologies, for the 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 accept on behalf of the City of Cleveland, services in the nature of an assessment and analysis of the of the City's current data storage environment to aid with developing the citywide information technology strategic plan storage requirements, valued at \$25,000, from Advizex Technologies, at no cost to the City.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 942-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept at no cost to the City a high capacity wireless link from Winncom Technologies Corporation, for the 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 accept on behalf of the City of Cleveland, a high capacity wireless link to connect at least one safety district to the City's existing INET fiber optic network, including maintenance and support while the Division of Information Technology and Services and the Department of Public Safety

tests the link's performance, valued at \$30,000, from Winncom Technologies Corporation, at no cost to the City.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 967-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tastebuds, LLC, dba Tastebuds, to provide economic development assistance in the form of a loan and a grant to partially finance the interior leasehold improvement, architectural and engineering fees and other costs associated with interior renovation of an existing restaurant located at 1400 East 30th Street.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Tastebuds, LLC, dba Tastebuds to provide economic development assistance in the form of a loan and a grant to partially finance the interior leasehold improvement, architectural and engineering fees and other costs associated with interior renovation of an existing restaurant located at 1400 East 30th Street.

Section 2. That the terms of the loan and the grant shall be according to the terms set forth in the Summary contained in File No. 967-05-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 loan shall not exceed Forty-Two Thousand Dollars (\$42,000), and the cost of the grant shall not exceed Eight Thousand Dollars (\$8,000). The loan and grant shall be paid from Fund Nos. 17 SF 008 and 17 SF 652, which funds are appropriated for this purpose, Request No. 103649.

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. 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 maxi-

mum 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 loans. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That the contracts and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Passed May 23, 2005.
Effective May 31, 2005.

Ord. No. 1070-05.

By Council Member Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Shores Development Corporation to stretch four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 11, 2005 to Aug 9, 2005, inclusive, publicizing the East 185th Street Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Northeast Shores Development Corporation to install, maintain and remove four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 11, 2005 to Aug 9, 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 May 23, 2005.
Effective May 31, 2005.

Ord. No. 1071-05.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 9, 2005 to June 28, 2005, inclusive, publicizing the Church Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit and 7775 Detroit Avenue for the period from June 9, 2005 to June 28, 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 May 23, 2005.

Effective May 31, 2005.

Ord. No. 1075-05.

By Council Member Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Mt. Pleasant Community Council for an Emergency Tree Trimming Program through the use of Ward 3 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 Mt. Pleasant Community Council for an Emergency Tree Trimming Program for the public purpose of providing tree trimming and limb cutting services to senior citizens and low income residents residing in the City of Cleveland

through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$9,500 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 May 23, 2005.

Effective May 31, 2005.

Ord. No. 1078-05.

By Council Member Reed.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the 2nd Annual Celebration in the Park through the use of Urban Development Action Grant Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the 2nd Annual Celebration in the Park for the public purpose of promoting community and economic revitalization efforts that are taking place in the City of Cleveland through the use of UDAG Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 17 SF 17652.

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

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

Passed May 23, 2005.

Effective May 31, 2005.

**COUNCIL COMMITTEE
MEETINGS**

NO MEETINGS

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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