

# The City Record

Official Publication of the Council of the City of Cleveland



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November the Twenty-Third, Two Thousand and Five

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**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

### MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, NOVEMBER 23, 2005

No. 4798

## CITY COUNCIL

MONDAY, NOVEMBER 21, 2005

### The City Record

Published weekly by the City Clerk,  
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Address all communications to

**VALARIE J. McCALL**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; \_\_\_\_\_ Vice Chairman; Brady, Cimperman, Johnson, Kelley, Knight, Polensek, White, Zone.

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman; Conwell, Vice Chairman; Brancatelli, Lipovan Holan, Kelley, Lewis, Pierce Scott.

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

**Rules Committee:** Jackson, Chairman; Reed, Sweeney, Westbrook.

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 21, 2005

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

Council Members present: Brady, Brancatelli, Cimperman, Coats, Conwell, Dolan, Lipovan Holan, Johnson, Kelley, Knight, Lewis, Polensek, Pierce Scott, Sweeney, Reed, Westbrook, White and Zone.

Also present were Chief Operating Officer Brown and Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Routen, Huth and Fumich.

Pursuant to Ordinance No. 2926-76, prayer was offered by Dr. Belinda Scott of the New Spirit Revival Center. Pledge of Allegiance.

#### MOTION

On the motion of Council Member White, the reading of the minutes of the last meeting were dispensed

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

#### COMMUNICATIONS

##### File No. 2170-05.

From Ohio Department of Transportation — re: Cuyahoga County — City of Cleveland, Project No. 562(05), East 105th Street. Received.

##### File No. 2171-05.

From the Cleveland Municipal Court — gratitude letter. Received.

##### File No. 2172-05.

From the International Institute of Municipal Clerks — October 2005, News Digest. Received.

##### File No. 2173-05.

Assessment Objections (Downtown Cleveland Improvement District) — Trebmal Construction, Inc. (PPN. 101-36-008), Statler Arms Garage LLC (PPN. 101-36-006, PPN. 101-36-009 & PPN 101-36-010), Baker & Hostetler LLP (PPN. 101-00-008 & PPN 101-10-059).

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 2174-05.

Re: Transfer of Ownership Application — 8843718 — Tenth Tee, Inc., d.b.a. The Tenth Tee Pro Shop & Concession, 19900 Puritas Road and course. (Ward 21). Received.

##### File No. 2175-05.

Re: Transfer of Ownership Application — 9028510 — Tran & Le Investment, LLC, d.b.a. Tran & Le, 5509 Detroit Avenue, first floor and basement. (Ward 17). Received.

##### File No. 2176-05.

Re: Transfer of Location Application — 73466300001 — Andrew Rich, d.b.a. Rich Quick Stop, 12210 Imperial Avenue. (Ward 3). Received.

##### File No. 2177-05.

Re: Liquor Agency Contract — 0683891 — Bhavna, Inc., 15649 Puritas Avenue. (Ward 20). Received.

#### OATH OF OFFICE

##### File No. 2178-05.

Margreat A. Jackson — oath of office — Executive Assistant to the Mayor. Received.

#### STATEMENT OF WORK ACCEPTED

##### File No. 2179-05.

From the Public Utilities Department — Contract No. 59596, Disconnect, LLC — completed and accepted September 27, 2005. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 2180-05**—Elizabeth Barnes Simpson.

**Res. No. 2181-05** — Bernard Watford.

**Res. No. 2182-05**—Geraldine Burrough.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 2183-05**—Illustrious Potentate John H. Foxhall.

**Res. No. 2184-05**—Glasbena Matica Singing Society.

**Res. No. 2185-05**—Rev. Dr. Roland Hayes Griggs Crowder.

**Res. No. 2186-05**—Michael E. Durica.

**Res. No. 2187-05**—Kevin J. Koch.

**Res. No. 2188-05**—Thelma Wheeler.

**WELCOME RESOLUTION**

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

**Res. No. 2189-05**—Bishop Thomas D. Jakes, Sr.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 2126-05.**

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

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

Whereas, there remains an unappropriated balance in the various funds, the sum of Two Million Eight Hundred Seventy Five Thousand Dollars (\$2,875,000) which is available for additional appropriation; and

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

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

**Section 1.** That there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

GENERAL FUND	\$	1,200,000
SPECIAL REVENUE FUND	\$	1,450,000
INTERNAL SERVICE FUND	\$	140,000
ENTERPRISE FUND	\$	85,000
TOTAL ALL FUNDS	\$	2,875,000

## GENERAL FUND

## DEPARTMENT OF PUBLIC SAFETY

Division of Fire		\$1,200,000
I. Personnel and Related Expenses	\$1,200,000	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$1,200,000	\$1,200,000
TOTAL GENERAL FUND	\$1,200,000	\$1,200,000

## SPECIAL REVENUE FUND

Street Construction, Maintenance & Repair Fund		\$1,450,000
I. Personnel and Related Expenses	\$1,450,000	
TOTAL SPECIAL REVENUE FUNDS	\$1,450,000	\$1,450,000

## INTERNAL SERVICE FUND

Division of Motor Vehicle Maintenance		\$ 140,000
II. Other Expenses	\$ 140,000	
TOTAL INTERNAL SERVICE FUNDS	\$ 140,000	\$ 140,000

## ENTERPRISE FUNDS

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$ 85,000
I. Personnel and Related Expenses	\$ 35,000	
II. Other Expenses	\$ 50,000	
<b>TOTAL PARKS, RECREATION, &amp; PROPERTIES</b>	<b>\$ 85,000</b>	<b>\$ 85,000</b>
<b>TOTAL ENTERPRISE FUNDS</b>	<b>\$ 85,000</b>	<b>\$ 85,000</b>
<b>TOTAL ALL FUNDS</b>	<b>\$2,875,000</b>	<b>\$2,875,000</b>

**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.

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

**Ord. No. 2127-05.**

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

**An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2006 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2006.**

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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.** To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2006 until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2006, there be and there is hereby appropriated for the period from January 1, 2006 until the effective date of the Annual Appropriation Four Hundred Eighty Seven Million Eight Hundred Forty Thousand Nine Hundred Thirty Five Dollars (\$487,840,935) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

**GENERAL FUND**

Legislative Branch	\$ 1,761,513
Judicial Branch	11,810,339
Executive Branch	
Office of the Mayor	649,428
Department of Public Safety	81,807,884
Community Relations Board	314,768
Department of Consumer Affairs	83,513
Department of Public Service	12,642,203
Department of Parks, Recreation & Properties	14,402,015
Urban Planning & Development	6,825,240
Department of Public Health	4,955,471
Department of Aging	175,070
Support Functions	16,302,924
Transfers to Other Funds	19,626,267
<b>TOTAL EXECUTIVE BRANCH</b>	<b>157,784,783</b>
<b>TOTAL GENERAL FUND</b>	<b>171,356,635</b>
Special Revenue Funds	47,979,985
Internal Service Funds	13,989,921
Enterprise Funds	241,099,930
Trust and Agency Funds	3,141,158
Debt Service Funds	10,273,306
<b>TOTAL TEMPORARY APPROPRIATIONS FOR 2006</b>	<b>\$487,840,935</b>

## GENERAL FUND

## LEGISLATIVE BRANCH

Council and Clerk of Council		\$ 1,761,513
I. Personnel and Related Expenses	\$ 1,197,145	
II. Other Expenses	564,368	
TOTAL LEGISLATIVE BRANCH		<u>\$ 1,761,513</u>

## JUDICIAL BRANCH

Municipal Court - Judicial Division		\$ 7,562,053
I. Personnel and Related Expenses	\$ 5,526,930	
II. Other Expenses	2,035,123	
Municipal Court - Housing Division		\$ 906,026
I. Personnel and Related Expenses	\$ 847,548	
II. Other Expenses	58,478	
Municipal Court - Clerk's Division		\$ 3,342,260
I. Personnel and Related Expenses	\$ 2,489,854	
II. Other Expenses	852,406	
TOTAL JUDICIAL BRANCH		<u>\$ 11,810,339</u>

## EXECUTIVE BRANCH

Office of the Mayor		\$ 649,428
I. Personnel and Related Expenses	\$ 563,086	
II. Other Expenses	86,342	

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$ 835,277
I. Personnel and Related Expenses	\$ 704,022	
II. Other Expenses	131,255	
Division of Police		\$ 49,917,747
I. Personnel and Related Expenses	\$45,333,840	
II. Other Expenses	4,583,907	
Division of Fire		\$ 23,980,154
I. Personnel and Related Expenses	\$22,578,437	
II. Other Expenses	1,401,717	
Division of Emergency Medical Services		\$ 6,794,262
I. Personnel and Related Expenses	\$ 5,901,897	
II. Other Expenses	892,365	
Division of Dog Pound		\$ 280,444
I. Personnel and Related Expenses	\$ 210,180	
II. Other Expenses	70,264	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u>\$ 81,807,844</u>

## COMMUNITY RELATIONS BOARD

Community Relations Board		\$ 314,768
I. Personnel and Related Expenses	\$ 279,015	
II. Other Expenses	35,753	
TOTAL COMMUNITY RELATIONS BOARD		<u>\$ 314,768</u>

## DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$	83,513
I. Personnel and Related Expenses	\$	58,029	
II. Other Expenses		25,484	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$	<u>83,513</u>

## DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$	155,094
I. Personnel and Related Expenses	\$	149,270	
II. Other Expenses		5,824	
Division of Architecture		\$	203,410
I. Personnel and Related Expenses	\$	190,228	
II. Other Expenses		13,182	
Division of Waste Collection and Disposal		\$	9,149,339
I. Personnel and Related Expenses	\$	4,192,229	
II. Other Expenses		4,957,110	
Division of Engineering and Construction		\$	1,572,979
I. Personnel and Related Expenses	\$	1,349,101	
II. Other Expenses		223,878	
Division of Traffic Engineering		\$	1,561,381
I. Personnel and Related Expenses	\$	1,043,800	
II. Other Expenses		517,581	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$	<u>12,642,203</u>

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$	228,004
I. Personnel and Related Expenses	\$	163,913	
II. Other Expenses		64,091	
Division of Research, Planning, and Development		\$	231,158
I. Personnel and Related Expenses	\$	199,280	
II. Other Expenses		31,878	
Division of Recreation		\$	4,671,834
I. Personnel and Related Expenses	\$	2,470,599	
II. Other Expenses		2,201,235	
Division of Parking Facilities-On Street		\$	368,831
I. Personnel and Related Expenses	\$	344,841	
II. Other Expenses		23,990	
Division of Property Management		\$	3,085,519
I. Personnel and Related Expenses	\$	1,852,580	
II. Other Expenses		1,232,939	
Division of Park Maintenance and Properties		\$	5,816,669
I. Personnel and Related Expenses	\$	2,547,433	
II. Other Expenses		3,269,236	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$	<u>14,402,015</u>

## URBAN PLANNING AND DEVELOPMENT

## DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$	793,451
I. Personnel and Related Expenses	\$	687,951	
II. Other Expenses		105,500	
Director's Office		\$	197,311
I. Personnel and Related Expenses	\$	197,311	

Division of Neighborhood Development		\$	933,738
I. Personnel and Related Expenses	\$	713,738	
II. Other Expenses		220,000	

Division of Neighborhood Services		\$	353,077
I. Personnel and Related Expenses	\$	353,077	

TOTAL COMMUNITY DEVELOPMENT			<u>\$2,277,577</u>
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## DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir. Office		\$	705,777
I. Personnel and Related Expenses	\$	515,991	
II. Other Expenses		189,786	

Division of Code Enforcement		\$	2,168,471
I. Personnel and Related Expenses	\$	2,095,890	
II. Other Expenses		72,581	

Division of Construction Permit		\$	467,442
I. Personnel and Related Expenses	\$	460,982	
II. Other Expenses		6,460	

TOTAL BUILDING AND HOUSING			<u>\$ 3,341,690</u>
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## REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$	49,983
I. Personnel and Related Expenses	\$	47,532	
II. Other Expenses		2,451	

Board of Building Standards and Appeals		\$	31,112
I. Personnel and Related Expenses	\$	25,934	
II. Other Expenses		5,178	

Board of Zoning Appeals		\$	62,685
I. Personnel and Related Expenses	\$	56,177	
II. Other Expenses		6,508	

TOTAL REGULATORY BOARDS			<u>\$ 143,780</u>
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## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$	337,898
I. Personnel and Related Expenses	\$	314,242	
II. Other Expenses		23,656	

TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT			<u>\$ 337,898</u>
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Office of Equal Opportunity		\$	246,616
I. Personnel and Related Expenses	\$	230,053	
II. Other Expenses		16,563	

City Planning Commission		\$	477,679
I. Personnel and Related Expenses	\$	436,254	
II. Other Expenses		41,425	

TOTAL URBAN PLANNING AND DEVELOPMENT			<u>\$ 6,825,240</u>
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## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	241,058
I. Personnel and Related Expenses	\$	203,494	
II. Other Expenses		37,564	



Division of Correction		\$ 2,513,266
I. Personnel and Related Expenses	\$ 1,484,012	
II. Other Expenses	1,029,254	
Division of Health		\$ 1,205,225
I. Personnel and Related Expenses	\$ 668,423	
II. Other Expenses	536,802	
Division of Environment		\$ 655,500
I. Personnel and Related Expenses	\$ 504,123	
II Other Expenses	151,377	
Division of Air Quality		\$ 340,422
I. Personnel and Related Expenses	\$ 31,345	
II. Other Expenses	309,077	
TOTAL DEPARTMENT OF PUBLIC HEALTH		<u>\$ 4,955,471</u>

## DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$ 175,070
I. Personnel and Related Expenses	\$ 135,480	
II. Other Expenses	39,590	
TOTAL DEPARTMENT OF AGING		<u>\$ 175,070</u>

SUPPORT FUNCTIONS  
FINANCIAL AND LEGAL ADMINISTRATION

## DEPARTMENT OF FINANCE

Finance Administration		\$ 256,542
I. Personnel and Related Expenses	\$ 234,218	
II. Other Expenses	22,324	
Division of Accounts		\$ 604,979
I. Personnel and Related Expenses	\$ 346,076	
II. Other Expenses	258,903	
Division of Assessments and Licenses		\$ 502,455
I. Personnel and Related Expenses	\$ 407,974	
II. Other Expenses	94,481	
Division of Treasury		\$ 166,618
I. Personnel and Related Expenses	\$ 140,977	
II. Other Expenses	25,641	
Division of Purchases and Supplies		\$ 197,227
I. Personnel and Related Expenses	\$ 166,165	
II. Other Expenses	31,062	
Bureau of Internal Audit		\$ 311,621
I. Personnel and Related Expenses	\$ 120,059	
II. Other Expenses	191,562	
Division of Financial Reporting and Control		\$ 387,616
I. Personnel and Related Expenses	\$ 328,817	
II. Other Expenses	58,799	
Information Systems Services		\$ 1,332,394
I. Personnel and Related Expenses	\$ 718,087	
II. Other Expenses	614,307	
Information Tech & Planning		\$ 86,664
I. Personnel and Related Expenses	\$ 81,954	
II. Other Expenses	4,710	
TOTAL DEPARTMENT OF FINANCE		<u>\$ 3,846,116</u>

Office of Budget & Management-Budget Admin.		\$ 198,091
I. Personnel and Related Expenses	\$ 187,751	
II. Other Expenses	10,340	

Department Law		\$ 2,931,945
I. Personnel and Related Expenses	\$ 1,923,822	
II. Other Expenses	1,008,123	

TOTAL FINANCE AND LEGAL ADMINISTRATION		<u>\$ 6,976,152</u>
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## PERSONNEL ADMINISTRATION

Office of Personnel		\$ 669,381
I. Personnel and Related Expenses	\$ 396,794	
II. Other Expenses	272,587	

Civil Service Commission		\$ 1,320,559
I. Personnel and Related Expenses	\$ 175,184	
II. Other Expenses	1,145,375	

TOTAL PERSONNEL ADMINISTRATION		<u>\$ 1,989,650</u>
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## NONDEPARTMENTAL

Other Administrative		\$ 7,336,832
II. Other Expenses	\$ 7,336,832	

TOTAL NONDEPARTMENTAL		<u>\$ 7,336,832</u>
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TOTAL SUPPORT FUNCTIONS		<u>\$ 16,302,924</u>
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Transfers To Other Funds		\$19,626,267
II. Other Expenses	\$19,626,267	

TOTAL EXECUTIVE BRANCH		<u>\$157,784,783</u>
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TOTAL GENERAL FUND		<u>\$171,356,635</u>
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## SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$ 33,204,537
I. Capital	\$13,204,537	
II. Debt Service	20,000,000	

Street Construction, Maintenance & Repair Fund		\$ 12,775,448
I. Personnel and Related Expenses	\$ 5,575,814	
II. Other Expenses	7,199,634	

Schools Recreation & Cultural Activities Fund		\$ 2,000,000
II. Other Expenses	\$ 2,000,000	

TOTAL SPECIAL REVENUE FUNDS		<u>\$ 47,979,985</u>
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## INTERNAL SERVICE FUND

Information Technology and Services		
Telephone Exchange		\$ 6,535,339
I. Personnel and Related Expenses	\$ 311,620	
II. Other Expenses	6,223,719	

Division of Motor Vehicle Maintenance		\$ 6,248,706
I. Personnel and Related Expenses	\$ 1,872,675	
II. Other Expenses	4,376,031	

Division of Printing and Reproduction		\$	817,761
I. Personnel and Related Expenses	\$	237,148	
II. Other Expenses		580,613	
City Storeroom and Central Warehouse		\$	388,115
I. Personnel and Related Expenses	\$	22,903	
II. Other Expenses		365,212	
TOTAL INTERNAL SERVICE FUNDS			<u>\$ 13,989,921</u>

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$	731,238
I. Personnel and Related Expenses	\$	505,781	
II. Other Expenses		225,457	
Radio		\$	949,767
I. Personnel and Related Expenses	\$	83,007	
II. Other Expenses		866,760	
Division of Fiscal Control		\$	1,080,724
I. Personnel and Related Expenses	\$	1,002,000	
II. Other Expenses		78,724	
Division of Water		\$	88,429,714
I. Personnel and Related Expenses	\$	23,047,297	
II. Other Expenses		65,382,417	
Division of Water Pollution Control		\$	8,453,579
I. Personnel and Related Expenses	\$	2,833,190	
II. Other Expenses		5,620,389	
Division of Cleveland Public Power		\$	61,878,679
I. Personnel and Related Expenses	\$	8,286,200	
II. Other Expenses		53,592,479	
TOTAL DEPARTMENT OF PUBLIC UTILITIES			<u>\$161,523,701</u>

DEPARTMENT OF PORT CONTROL  
DIVISIONS OF CLEVELAND HOPKINS & BURKE LAKEFRONT

Airports - Operations		\$	58,241,616
I. Personnel and Related Expenses	\$	7,168,193	
II. Other Expenses		51,073,423	
TOTAL DEPARTMENT OF PORT CONTROL			<u>\$ 58,241,616</u>

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$	866,065
I. Personnel and Related Expenses	\$	477,063	
II. Other Expenses		389,002	
Golf Course Fund		\$	1,082,593
I. Personnel and Related Expenses	\$	334,239	
II. Other Expenses		748,354	
Division of Parking Facilities-Off Street Parking		\$	7,043,977
I. Personnel and Related Expenses	\$	381,881	
II. Other Expenses		6,662,096	

Division of Convention Center		\$ 2,464,502
I. Personnel and Related Expenses	\$ 1,051,045	
II. Other Expenses	1,413,457	
Division of Convention Center & Stadium- West Side Market		\$ 555,761
I. Personnel and Related Expenses	\$ 173,203	
II. Other Expenses	382,558	
Division of Convention Center & Stadium-Stadium		\$ 9,297,075
II. Other Expenses	\$ 9,297,075	
Division of Property Management - East Side Market		\$ 24,640
I. Personnel and Related Expenses	\$ 16,191	
II. Other Expenses	8,449	
TOTAL PARKS, RECREATION, & PROPERTIES		<u>\$21,334,613</u>
TOTAL ENTERPRISE FUNDS		<u>\$241,099,930</u>
AGENCY FUND		
Central Collection Agency		\$ 3,141,158
I. Personnel and Related Expenses	\$ 1,828,390	
II. Other Expenses	1,314,768	
TOTAL AGENCY FUND		<u>\$ 3,141,158</u>
DEBT SERVICE FUND		
Sinking Fund Commission		\$ 10,273,306
I. Personnel and Related Expenses	\$ 45,697	
II. Other Expenses	227,609	
III. Debt Service	10,000,000	
TOTAL DEBT SERVICE FUNDS		<u>\$ 10,273,306</u>

**Section 2.** That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2006, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2006.

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

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

**Ord. No. 2128-05.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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 sum of Six Million Five Hundred Eighty Eight Thousand Dollars (\$6,588,000) be the same and hereby transferred as follows:

	Transfer To	Transfer From
GENERAL FUND		
JUDICIAL BRANCH		
Municipal Court - Judicial Division		
I Personnel and Related Expenses	\$ -	\$ 950,000
Municipal Court - Housing Division		
I Personnel and Related Expenses	\$ -	\$ 40,000
Municipal Court - Clerk's Division		
I Personnel and Related Expenses	\$ -	\$ 130,000
II Other Expenses	\$ 130,000	\$ -
TOTAL JUDICIAL BRANCH	\$ 130,000	\$ 1,120,000
EXECUTIVE BRANCH		
Office of the Mayor		
I Personnel and Related Expenses	\$ -	\$ -
DEPARTMENT OF PUBLIC SAFETY		
I Personnel and Related Expenses	\$ -	\$ 25,000
II Other Expenses	\$ -	\$ 30,000
Division of Police		
I Personnel and Related Expenses	\$ 400,000	\$ -
II Other Expenses	\$ -	\$ 480,000
Division of Fire		
I Personnel and Related Expenses	\$ 650,000	\$ -
II Other Expenses	\$ -	\$ 250,000
Division of Emergency Medical Services		
I Personnel and Related Expenses	\$ 1,440,000	\$ -
II Other Expenses	\$ 55,000	\$ -
Division of Dog Pound		
II Other Expenses	\$ 5,000	\$ -
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 2,550,000	\$ 785,000
COMMUNITY RELATIONS BOARD		
Community Relations Board		
I Personnel and Related Expenses	\$ -	\$ 30,000
TOTAL COMMUNITY RELATIONS BOARD	\$ -	\$ 30,000
DEPARTMENT OF CONSUMER AFFAIRS		
Consumer Affairs		
I Personnel and Related Expenses	\$ -	\$ 15,000
TOTAL DEPARTMENT OF CONSUMER AFFAIRS	\$ -	\$ 15,000
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		
I Personnel and Related Expenses	\$ 4,000	\$ -
Division of Waste Collection and Disposal		
I Personnel and Related Expenses	\$ 140,000	\$ -
II Other Expenses	\$ 760,000	\$ -

Division of Engineering and Construction		
I Personnel and Related Expenses	\$ -	\$ 15,000
II Other Expenses	\$ -	\$ 10,000
Division of Traffic Engineering		
I Personnel and Related Expenses		
II Other Expenses	\$ 50,000	\$ -
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 954,000	\$ 25,000
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Recreation		
I Personnel and Related Expenses	\$ -	\$ 519,000
II Other Expenses	\$ 70,000	\$ -
Division of Parking Facilities-On Street		
I Personnel and Related Expenses	\$ 45,000	\$ -
II Other Expenses	\$ 20,000	\$ -
Division of Property Management		
I Personnel and Related Expenses	\$ -	\$ 106,000
II Other Expenses	\$ -	\$ 155,000
Division of Park Maintenance and Properties		
I Personnel and Related Expenses	\$ -	\$ 416,000
II Other Expenses	\$ 100,000	\$ -
TOTAL PARKS, RECREATION, AND PROPERTIES	\$ 235,000	\$ 1,196,000
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Neighborhood Development		
II Other Expenses	\$ 21,000	\$ -
TOTAL COMMUNITY DEVELOPMENT	\$ 21,000	\$ -
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir Office		
I Personnel and Related Expenses	\$ 2,000	\$ -
II Other Expenses	\$ -	\$ -
Division of Code Enforcement		
I Personnel and Related Expenses	\$ -	\$ 185,000
II Other Expenses	\$ -	\$ 15,000
Division of Construction Permit		
I Personnel and Related Expenses	\$ -	\$ 20,000
TOTAL BUILDING AND HOUSING	\$ 2,000	\$ 220,000
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		
I Personnel and Related Expenses	\$ -	\$ 50,000
TOTAL DEPARTMENT OF ECON DEVELOPMENT	\$ -	\$ 50,000
Office of Equal Opportunity		
I Personnel and Related Expenses	\$ -	\$ 45,000
II Other Expenses	\$ 70,000	\$ -
City Planning Commission		
I Personnel and Related Expenses	\$ -	\$ 30,000
II Other Expenses	\$ 50,000	\$ -
TOTAL URBAN PLANNING AND DEVELOPMENT	\$ 143,000	\$ 345,000
DEPARTMENT OF PUBLIC HEALTH		
Public Health Administration		
I Personnel and Related Expenses	\$ -	\$ 25,000
II Other Expenses	\$ 5,000	\$ -

Division of Correction		
I Personnel and Related Expenses	\$ -	\$ 115,000
II Other Expenses	\$ 80,000	\$ -
Division of Health		
I Personnel and Related Expenses	\$ -	\$ 20,000
II Other Expenses	\$ -	\$ 15,000
Division of Environment		
I Personnel and Related Expenses	\$ 175,000	\$ -
II Other Expenses	\$ 25,000	\$ -
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ 285,000	\$ 175,000
DEPARTMENT OF AGING		
Department of Aging		
I Personnel and Related Expenses	\$ -	\$ 10,000
II Other Expenses	\$ 10,000	\$ -
TOTAL DEPARTMENT OF AGING	\$ 10,000	\$ 10,000
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
Finance Administration		
I Personnel and Related Expenses	\$ -	\$ 11,000
II Other Expenses	\$ -	\$ 5,000
Division of Accounts		
I Personnel and Related Expenses	\$ -	\$ 30,000
II Other Expenses	\$ 30,000	\$ -
Division of Assessments and Licenses		
I Personnel and Related Expenses	\$ -	\$ 10,000
Division of Treasury		
I Personnel and Related Expenses	\$ -	\$ 35,000
Division of Purchases and Supplies		
I Personnel and Related Expenses	\$ -	\$ 85,000
II Other Expenses	\$ -	\$ 15,000
Bureau of Internal Audit		
I Personnel and Related Expenses	\$ -	\$ 25,000
Division of Financial Reporting and Control		
I Personnel and Related Expenses	\$ -	\$ 10,000
Information Technology & Services		
I Personnel and Related Expenses	\$ -	\$ 35,000
Information Tech & Planning		
I Personnel and Related Expenses	\$ -	\$ 15,000
TOTAL DEPARTMENT OF FINANCE	\$ 30,000	\$ 276,000
Office of Budget & Management-Budget Admin.		
I Personnel and Related Expenses	\$ -	\$ 55,000
Department Law		
I Personnel and Related Expenses	\$ -	\$ 80,000
II Other Expenses	\$ 400,000	\$ -
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$ 430,000	\$ 411,000
PERSONNEL ADMINISTRATION		
Civil Service Commission		
I Personnel and Related Expenses	\$ -	\$ 20,000
TOTAL PERSONNEL ADMINISTRATION	\$ -	\$ 20,000

NONDEPARTMENTAL		
County Auditor Deductions		
II Other Expenses	\$ -	\$ 115,000
OTHER ADMINISTRATIVE		
II Other Expenses	\$ -	\$ 1,240,000
TOTAL NONDEPARTMENTAL	\$ -	\$ 1,355,000
TOTAL SUPPORT FUNCTIONS	\$ 430,000	\$ 1,786,000
TRANSFERS TO OTHER FUNDS		
II Other Expenses	\$ 750,000	\$ -
TOTAL EXECUTIVE BRANCH	\$ 5,357,000	\$ 4,367,000
TOTAL GENERAL FUND	\$ 5,487,000	\$ 5,487,000
SPECIAL REVENUE FUND		
Street Construction, Maintenance & Repair Fund		
I Personnel and Related Expenses	\$ 50,000	\$ -
II Other Expenses	\$ -	\$ 50,000
TOTAL SPECIAL REVENUE FUNDS	\$ 50,000	\$ 50,000
INTERNAL SERVICE FUND		
Information Technology & Services-Telephone Exchange		
I Personnel and Related Expenses	\$ -	\$ 125,000
II Other Expenses	\$ 125,000	\$ -
Division of Printing and Reproduction		
I Personnel and Related Expenses	\$ -	\$ 50,000
II Other Expenses	\$ 50,000	\$ -
TOTAL INTERNAL SERVICE FUNDS	\$ 175,000	\$ 175,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Division of Water Pollution Control		
I Personnel and Related Expenses	\$ -	\$ 750,000
II Other Expenses	\$ 750,000	\$ -
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$ 750,000	\$ 750,000
DEPARTMENT OF PARKS, RECREATION, & PROPERTIES		
Division of Convention Center		
I Personnel and Related Expenses	\$ -	\$ 100,000
II Other Expenses	\$ 100,000	\$ -
Division of Convention Center & Stadium-West Side Market		
I Personnel and Related Expenses	\$ -	\$ 25,000
II Other Expenses	\$ 25,000	\$ -
Division of Property Management - East Side Market		
I Personnel and Related Expenses	\$ 1,000	\$ -
II Other Expenses	\$ -	\$ 1,000
TOTAL PARKS, RECREATION, & PROPERTIES	\$ 126,000	\$ 126,000
TOTAL ENTERPRISE FUNDS	\$ 876,000	\$ 876,000
TOTAL ALL FUNDS	\$ 6,588,000	\$ 6,588,000

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

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



**Ord. No. 2129-05.  
By Council Member Jackson (by  
departmental request).**

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

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of office supplies, in the approximate amount as purchased during the preceding term, with one option exercisable by the Director of Finance, to renew for an additional one-year term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118744)

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

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

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

**Ord. No. 2130-05.  
By Council Member Jackson (by  
departmental request).**

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

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year of the necessary items of various paper and envelopes, 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 Printing and Reproduction, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 157090)

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

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

**Ord. No. 2131-05.  
By Council Member Jackson (by  
departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products and cloth wipers, for the various divisions of City government, for a period of two years.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years for the necessary items of industrial paper products and cloth wipers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a

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

**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 118743)

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

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

**Ord. No. 2132-05.  
By Council Member Jackson (by  
departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of lumber, for the various divisions of City government, for a period of two years.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years of the necessary items of lumber, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118742)

**Section 3.** That this ordinance is declared to be an emergency mea-

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

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

**Ord. No. 2133-05.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed, uniformed security guard services, for the various divisions of City government, for a period of two years.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years for the necessary items of unarmed, uniformed security guard services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**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 118741)

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

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

**Ord. No. 2134-05.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, parts, and supplies for electrical maintenance, for the various divisions of the Department of Public Utilities, for a period of two years.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year term of the necessary items of materials, parts, and supplies for electrical maintenance, 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 Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159379)

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

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

**Ord. No. 2135-05.**

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

**An emergency ordinance establishing procedures to comply with Federal Tax Regulations with respect to reimbursements from tax-exempt bonds of temporary advances of airport revenues.**

Whereas, the Internal Revenue Code of 1986, as amended (the "Code") and United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") prescribe conditions under which proceeds of tax-exempt bonds, notes or other obligations ("Bonds") may be used to reimburse advances of a local government's money made for certain expenditures paid before the issuance of the Bonds; and

Whereas, certain provisions of the Reimbursement Regulations require that there be a Declaration of Official Intent not later than 60 days following payment of the expense expected to be reimbursed from proceeds of Bonds, and that the reimbursement occur within certain pre-

scribed time periods after an expense is paid or after the property resulting from that expenditure is placed in service; and

Whereas, this Council wishes to take steps to enable the City to comply with the Reimbursement Regulations so that previously authorized projects at Cleveland Hopkins International Airport may proceed in a timely manner and the City may later permanently finance those projects with Bonds providing more favorable capital financing arrangements and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

**Section 1. Definitions.** The following words used in this Ordinance are used with the following respective meanings:

"Authorized Officers" means the Director of Finance and the Director of Port Control of the City.

"Declaration of Official Intent" means a declaration of intent, in the form, manner and time contemplated in the Reimbursement Regulations, that the advances for identified expenditures are reasonably expected to be reimbursed from the proceeds of Bonds to be issued after those expenditures are made.

"Reimbursement" or "reimburse" means the restoration to the Division of Port Control of the City of money temporarily advanced from its own funds and spent before the issuance of the Bonds, evidenced in writing by an allocation on the books and records of the Department of Port Control that shows the use of the proceeds of the Bonds to restore the money advanced for the expenditures.

**Section 2. Authorization of Declarations of Official Intent.** The Authorized Officers are authorized to prepare and sign Declarations of Official Intent, in substantially the form on file with the Clerk of Council in File No. 2135-05-A, with respect to original expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced and that is reasonably expected to be reimbursed from the proceeds of Bonds, to make appropriate reimbursement and timely allocations from the proceeds of the Bonds to reimburse such original expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Section 103 and Sections 141 to 150 of the Code.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 2136-05.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the operation of on-site terminal advertising at Cleveland Hopkins International Airport, for the Department of Port Control, for a term not to exceed ten years, with one option to renew for an additional five year period.**

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

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

**Section 1.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Port Control is authorized to enter into one or more Concession Agreements on the basis of competitive proposals for the operation of on-site terminal advertising at Cleveland Hopkins International Airport. The selection of the concession or concessionaires shall be made by the Board of Control on the nomination of the Director of Port Control after a full and complete canvas. The concession fee to be paid to the City shall be fixed by the Board of Control. Each Concession Agreement shall be for a period not to exceed ten years, with one option to renew, exercisable by the Director of Port Control, for an additional five-year period.

**Section 2.** That the agreement or agreements shall be prepared by the Director of Law.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation and Finance.

**Ord. No. 2137-05.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the installation, operation, and maintenance of automatic teller machines at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control, for a period not to exceed five years.**

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

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

**Section 1.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Port Control is authorized to enter into one or more Concession Agreements on the basis of competitive proposals for the installation, operation,

and maintenance of automatic teller machines ("ATMs") at multiple sites to be located at Cleveland Hopkins International Airport and Burke Lakefront Airport. The Concession Agreement shall provide that at least one ATM will be located on each concourse at Cleveland Hopkins International Airport and Burke Lakefront Area in the post-security areas, and that at least one ATM will be located in the pre-security area at Cleveland Hopkins International Airport. The selection of the concession or concessionaires shall be made by the Board of Control on the nomination of the Director of Port Control after a full and complete canvas. The concession fee to be paid to the City shall be fixed by the Board of Control. Each Concession Agreement shall not exceed a five year period.

**Section 2.** That the agreement or agreements shall be prepared by the Director of Law.

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

Referred to Directors of Port Control and Finance; Committees on Transportation and Finance, Finance.

**Ord. No. 2138-05.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the operation of a self-service baggage cart system at Cleveland Hopkins International Airport, for the Department of Port Control, for a period not to exceed five years.**

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

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

**Section 1.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Port Control is authorized to enter into one or more Concession Agreements on the basis of competitive proposals for the operation of a self-service baggage cart system at Cleveland Hopkins International Airport. The selection of the concession or concessionaires shall be made by the Board of Control on the nomination of the Director of Port Control after a full and complete canvas. The concession fee to be paid to the City shall be fixed by the Board of Control. Each Concession Agreement shall not exceed a five year period.

**Section 2.** That the agreement or agreements shall be prepared by the Director of Law.

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

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

Referred to Directors of Port Control, Finance; Committees on Aviation and Transportation, Finance.

**Ord. No. 2139-05.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the operation of the common use gates at Cleveland Hopkins International Airport, for the Department of Port Control, for a period not to exceed five years.**

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

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

**Section 1.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Port Control is authorized to enter into one or more Concession Agreements on the basis of competitive proposals for the operation of the common use gates at Cleveland Hopkins International Airport. The selection of the concession or concessionaires shall be made by the Board of Control on the nomination of the Director of Port Control after a full and complete canvas. The concession fee to be paid to the City shall be fixed by the Board of Control. The term of each Concession Agreement shall not exceed a five year period.

**Section 2.** That the agreement or agreements shall be prepared by the Director of Law.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 2140-05.**

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

**An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional consultants to provide workers' compensation and actuarial services for a one year period; and authorizing a three month extension of Contract No. 64265 with Integrated Consulting Services, Ltd.**

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

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

**Section 1.** That the Director of Personnel and Human Resources is authorized to 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 pro-

professional services necessary for a comprehensive workers compensation program, including but not limited to, actuarial and auditing services, disability and account management, preparing reports, scheduling and payment of medical exams, claims settlement, handicap reimbursement, investigations, and filing claims appeals and other duties for a one year period.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Personnel and Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Personnel and Human Resources 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 Personnel and Human Resources, and certified by the Director of Finance.

**Section 2.** That the Director of Personnel and Human Resources is authorized to extend the term of Contract No. 64265 with Integrated Consulting Services, Ltd., for a period of three months, for comprehensive workers compensation program.

**Section 3.** That the cost of contract authorized and the extension of the existing contract shall not exceed \$327,500 and shall be paid from funds appropriated for this purpose in budget year 2006, Request No. 146266.

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

Referred to Directors of Personal and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 2141-05.**

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

**An emergency ordinance authorizing the acquisition of certain easement interests from The City Bank Investment Company for the public improvement of constructing a sidewalk on the corner of Rocky River Drive and Lorain Road, for the Department of Public Service.**

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

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

**Section 1.** Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from The City Bank Investment Company in and to the premises hereinafter described to construct a sidewalk on the corner of Rocky River Drive and Lorain Road, more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 13. Also being part of the land conveyed to The City Bank Investment Company, Ltd. as recorded in Volume 97-04221, Page 45 of the Cuyahoga County Land Records, being more definitely described as follows:

Commencing at the intersection of the centerline of Rocky River Drive (width varies) and the centerline of Lorain Road (width varies);

Thence, along the centerline of Rocky River Drive, North 10° 06' 56" East, 190.00 feet;

Thence, leaving said centerline, North 76° 10' 49" East, 32.82 feet to the easterly right of way of Rocky River Drive at the northwesterly corner of said land conveyed to The City Bank Investment Company, Ltd. and the True Point of Beginning for the easement herein described;

Thence, along the northerly line of said land conveyed to The City Bank Investment Company, Ltd., North 76° 10' 49" East, 11.04 feet;

Thence, leaving said northerly line, South 10° 06' 55" West, 16.77 feet;

Thence North 79° 53' 05" West, 0.80 feet;

Thence South 10° 06' 55" West, 43.80 feet;

Thence South 79° 53' 05" East, 0.80 feet;

Thence South 10° 06' 55" West, 59.33 feet;

Thence South 46° 33' 02" East, 12.53 feet;

Thence North 76° 17' 15" East, 12.93 feet;

Thence South 13° 42' 45" East, 0.67 feet;

Thence North 76° 17' 15" East, 25.12 feet;

Thence North 13° 42' 45" West, 0.67 feet;

Thence North 76° 22' 46" East, 31.55 feet to the easterly line of said land conveyed to The City Bank Investment Company, Ltd;

Thence, along said easterly line of land conveyed to The City Bank Investment Company, Ltd., South 10° 06' 56" West, 16.41 feet to the northerly right of way of Lorain Road;

Thence, along said right of way, South 76° 10' 49" West, 92.18 feet to the easterly right of way of Rocky River Drive;

Thence, along said easterly right of way, North 10° 06' 56" East, 148.04 feet to the point of beginning.

Containing within said bounds 0.0627 acres (2,729 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in November of 2005.

Bearings are based on monuments OM 711 and OM 1416 of the Cleveland Regional Geodetic Survey (CRGS).

**Section 2.** That the cost of the acquisition of the easement rights shall be One Dollar and other valuable considerations which are determined to be fair market value or the amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

**Section 3.** That the Director of Public Service is authorized to execute all documents on behalf of the City of Cleveland necessary to acquire certain rights in and to the premises.

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

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

**Ord. No. 2142-05.**

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

**An emergency ordinance authorizing the acquisition of certain easement interests from William E. Dagg for the public improvement of constructing a fire lane turnaround at East 185th Street and Mozina Drive, for the Department of Public Service.**

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

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

**Section 1.** Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from William E. Dagg in and to the premises hereinafter described for the construction of a fire lane turnaround at East 185th Street and Mozina Drive, more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 5 in John Mozina's Subdivision of part of Original Euclid Township Tract No; 15, as shown by the plat recorded in Volume 95, Page 9 of Cuyahoga County Map Records and being further bounded and described as follows:

Beginning at concrete nail set at the intersection of the centerline of East 185th Street (80 feet wide) with the centerline of Mozina Drive (40 feet wide)

Thence North 88° 45' 00" West along the centerline of Mozina Drive, 135.00 feet to a point-of-curvature therein;

Thence North 01° 15' 00" East, 20.00 feet to a point-of-curvature in the northerly right-of-way of Mozina Drive;

Thence along the curved northerly right-of-way of Mozina Drive, deflecting to the left, an arc of 36.92 feet, said curve having a radius of 130.00 feet and a chord that bears South 83° 06' 48" West, 36.80 feet to the principal place of beginning of the easement herein described;

Thence along the curved northerly right-of-way of Mozina Drive, deflecting to the left, an arc of 15.08 feet, said curve having a radius of 130.00 feet and a chord that bears South 71° 39' 15" West, 15.07 feet to a point;

Thence North 23° 47' 20" West 40.00 feet to a point;

Thence North 66° 12' 40" East, 15.00 feet to a point;

Thence South 23° 47' 20" East, 41.43 feet to the principal place of beginning and effecting 0.014 acres of land as surveyed and described by Scott J. Casey, P.S. 8219 of The Riverstone Company, in July of 2005, be the same more or less, but subject to all legal highways and easements of record.

Note: All 518" x 30" iron pins set and capped "Riverstone Company - Dudley PS6747 - Casey PS8219"

**Section 2.** That the cost of the acquisition of the easement rights shall be One Dollar and other valuable considerations which are determined to be fair market value or the amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

**Section 3.** That the Director of Public Service is authorized to execute all documents on behalf of the City of Cleveland necessary to acquire certain rights in and to the premises.

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

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

**Ord. No. 2143-05.**

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

**An emergency ordinance determining the method of making the public improvement of rehabilitating the Broadway/Miles/Turney intersection and associated improvements; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public 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 Broadway/Miles/Turney intersection and associated improvements, for the Division of Engineering and Construction, Department of Public Service, by one

or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

**Section 3.** That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvement authorized by this ordinance.

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

**Section 4.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to make the improvement. The consideration to be paid for the property shall not exceed fair market value.

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

**Section 6.** That the cost of the improvement, design, and property acquisition authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166628.

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

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

**Ord. No. 2144-05.**

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

**An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Augustine Health Campus to encroach into the public right-of-way of 7801 Detroit Avenue by installing, using, and maintaining overhead and underground communication cables.**

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

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

**Section 1.** That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to St. Augustine Health Campus (7801 Detroit Avenue, 44102) ("Permittee") to encroach into the public right-of-way beneath and above Detroit Avenue by installing, using, and maintaining communication duct banks at the following location:

**LEGAL DESCRIPTION**

**FOR AN ENCROACHMENT PERMIT**  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and being the center line of a 1 foot strip of a proposed communication cable within the right of way of Detroit Avenue, N.W. 86 feet wide; being in Original Brooklyn Township Lot Number 29 and being more particularly described as follows:

Beginning at the intersection of the westerly line of West 78th Street, 40 feet wide with the northwesterly line of said Detroit Avenue, N. W.; thence South 71°-10' -50" West, along said northwesterly line of Detroit Avenue, N.W. about 41.0 feet to a point and the place of beginning of the communication cable herein intended to be described:

Course No. 1; thence South 18°-49' -10" West along a line drawn perpendicular to said northwesterly line of Detroit Avenue, N.W., about 10.0 feet to the center of an existing wood power and light pole;

Course No. 2; thence South 21°-26' -03" West, in a direct line, about 64.0 feet to the center of an existing steel light pole;

Course No. 3; thence South 18°-49' -10" West, along a line drawn perpendicular to the southeasterly line of Detroit Avenue N.W. said point being about 53.0 feet southwesterly from its intersection with the southerly prolongation of said westerly line West 78th Street. Be the same more or less but subject to all legal highways.

Prepared by Garrett and Associates, Engineers and Surveyors, October, 2005, and approved by Greg Esber, Section Chief, Plats and Surveys, City of Cleveland

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

**Section 2.** That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

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

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

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

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

**Ord. No. 2146-05.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2006 STD Control Grant Gonorrhea Screening Project; and authorizing the purchase by one or more requirement contracts of equipment, materials, and supplies necessary to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$129,331.00, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the 2006 STD Control Grant Gonorrhea Screening Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 2146-05-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

**Section 5.** That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of equipment, materials,

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

**Section 6.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Health may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 2147-05.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2006 Cardiovascular Health Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$69,895, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2006 Cardiovascular Health Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in summary for the grant.

**Section 2.** That the summary for the grant, File No. 2147-05-A, made a

part as if fully rewritten herein, is approved in all respects.

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

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

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

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

**Ord. No. 2148-05.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2006 Tobacco Control Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2006 Tobacco Control Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 2148-05-A, made a part hereof as if fully rewritten herein, is approved in all respects.

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

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

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

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

**Ord. No. 2149-05.**

**By Council Members Britt and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Kaiser Permanente of Ohio for the 2006 Kaiser Worksite Wellness Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$15,000 and any other funds that may become available during the grant term, from Kaiser Permanente of Ohio to conduct the 2006 Kaiser Worksite Wellness Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 2149-05-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

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

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

**Ord. No. 2150-05.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, Ohio Homeland Security, for the 2005 Buffer Zone Protection Program; authorizing the purchase by one or more requirements contracts of materials, equipment, and services necessary to implement the program; authorizing the Director to employ one or more consultants to provide professional services necessary to implement the program; and authorizing the Director to enter into one or more contracts or memoranda of understanding with various entities to implement the program.**

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

a municipal department; now, therefore,

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$531,305, from the Ohio Department of Public Safety, Ohio Homeland Security, for the 2005 Buffer Zone Protection 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 letter dated April 27, 2004 from the Ohio Department of Public Safety for the grant contained in the file described below.

**Section 2.** That the letter dated April 27, 2004 from the Ohio Department of Public Safety for the grant, File No. 2150-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

**Section 5.** That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program.

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

Public Safety, and certified by the Director of Finance.

**Section 6.** That the Director of Public Safety is authorized to enter into one or more contracts or memoranda of understanding with the following entities to implement the grant as described in the file: Clorox Products Manufacturing Company, Baldwin Water Treatment Plant, The Elco Corporation, Wabash Alloys, L.L.C., Key Tower, Cleveland Browns Stadium, Marconi Grand Prix of Cleveland, The Quicken Loans Arena.

**Section 7.** That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are charged the proceeds of the grant accepted under this ordinance and shall be paid from the fund or funds to which are charged the proceeds of the grant accepted under this ordinance and shall be certified the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 8.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 2151-05.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2006 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$817,656, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2006 Federal AIDS Prevention Program, for the purpos-

es in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 2151-05-A, made a part as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program as described in the summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance with the following agencies, in the following amounts:

<u>Agency</u>	<u>Amount</u>
AIDS Taskforce of Greater Cleveland	\$157,170.00
Antioch Baptist Church - AGAPE Program	62,400.00
Cleveland Treatment Center	132,000.00
Free Clinic of Greater Cleveland	45,600.00
HUMADAOP	45,300.00
Northeast Ohio Neighborhood Health Services	18,020.00
Planned Parenthood	35,510.00
Recovery Resources	54,000.00
Salvation Army	40,000.00
Regional Advisory Group Support	10,000.00

In addition, the sum of not more than \$95,537.00 is appropriated to the Department of Public Health for administrative costs of implementing this program and the sum of not more than \$122,119 is appropriated for the operation of the Disease Intervention Specialist Services Program conducted by the Department.

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

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

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

**Ord. No. 2152-05.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from United States Department of Justice, COPS Office, for the 2005 COPS Interoperable Communications Technology Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to employ one or more professional consultants to implement the grant.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$6,000,000, from the United States Department of Justice, COPS Office, to conduct the 2005 COPS Interoperable Communications Technology 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 packet for the grant contained in the file described below.

**Section 2.** That the application packet for the grant, File No. 2152-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$2,000,000 from Fund No. 11 SF 006.

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

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

**Section 6.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 7.** That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

The selection of the consultants for the services shall be made by

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

**Section 8.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 9.** That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and the cash match.

**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.

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

**Ord. No. 2153-05.**

**By Council Member Pierce Scott.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to ICI Inc., Inter City Investors.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 108-09-027, as more fully described below, to ICI Inc., Inter City Investors.



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

P. P. No. 108-09-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 4 in the United States Land Company's Re-subdivision of Sublots Nos. 11 to 17 inclusive, in W.H. Van Tine's Subdivision of part of Original One Hundred Acre Lots Nos. 361 and 369, as shown by the recorded plat in Volume 43 of Maps, Page 24 of Cuyahoga County Records.

Said Sublot No. 4 has a frontage of 42 feet on the Northerly side of St. Clair Avenue, N.E., and extends back 116.06 feet on the Westerly line of 143.93 feet on the Easterly line and is 50.41 feet wide 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 Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 2154-05.**

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

**An emergency ordinance authorizing the continuation of the Department of Building and Housing past January 31, 2006.**

Whereas, under Ordinance No. 2370-04, passed January 24, 2005, this Council authorized the continuance of the Department of Building and

Housing until January 31, 2006, as created under Ordinance No. 1266-02, passed January 26, 2003; and

Whereas, additional legislation is necessary in order for the Department of Building and Housing to continue past January 31, 2006; and

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

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

**Section 1.** That this Council authorizes the continuation of the Department of Building and Housing past January 31, 2006.

**Section 2.** That upon the concurrence of the Board of Control, the Department of Building and Housing will continue.

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

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

**Ord. No. 2155-05.**

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

**An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional consultants to administer the City's employee assistance program for a one year period; and authorizing a three month extension of Contract No. 64431 with The Center for Families and Children.**

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

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

**Section 1.** That the Director of Personnel and Human Resources is authorized to 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 administer the City's employee assistance program for a one year period.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Personnel and Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Personnel and Human Resources 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 Personnel and Human Resources, and certified by the Director of Finance.

**Section 2.** That the Director of Personnel and Human Resources is authorized to extend the term of Contract No. 64431 with The Center for Families and Children, for a period of three months, for employee assistance services through the Ease@Work program.

**Section 3.** That the cost of contracts authorized and the extension of the existing contract shall not exceed \$196,875 and shall be paid from funds appropriated for this purpose in budget year 2006, Request No. 146267.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative, Action and Training, Finance.

**Ord. No. 2156-05.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into one or more amendments to contracts with West Sixth Associates Limited Partnership and Grand Arcade Ltd. to accept discount prepayments of the loans regarding financial assistance to the Grand Arcade project at West 6th Street and St. Clair.**

Whereas, this Council authorized the Director of Economic Development to enter into contracts West Sixth Associates Limited Partnership and Grand Arcade Ltd., to provide economic development assistance to partially finance the Grand Arcade project at West 6th Street and St. Clair; and

Whereas, West Sixth Associates Limited Partnership and Grand Arcade Ltd. have requested the opportunity to prepay their outstanding balances at its net present value using a discount rate of ten percent (10%); and

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

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

**Section 1.** That the Director of Economic Development is authorized to accept on behalf of the City, discounted prepayment from West Sixth Associates Limited Partnership and Grand Arcade Ltd. in an amount equal to their net present value using a discount rate of ten percent (10%) in full satisfaction of their loans totaling \$772,820.88, which loans were made to partially finance the Grand Arcade project at West 6th Street and St. Clair. That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

**Section 2.** That the contract amendments shall be prepared by the Director of Law.

**Section 3.** That the Director of Economic Development is authorized to release any and all collateral taken to secure repayment of the loans and to execute all documents necessary to release the collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

**Section 4.** That the Director of Economic Development is authorized to deposit the prepayments into Fund No. 17 SF 006.

**Section 5.** That the total prepayment proceeds received under this ordinance is appropriated to create a Neighborhood Retail Assistance Program to provide financial assistance to small retail businesses and merchants located on commercial streets of the City outside of downtown and the Empowerment Zone. Financial assistance would be limited to no more than \$40,000 per business. That the Director of Economic Development is authorized to enter into contracts with small retail businesses on commercial streets outside the downtown area described below and the Empowerment Zone pursuant to the Neighborhood Retail Association Program, provided that no assistance will be provided without the written consent of the City Council member in whose ward the business is located. Council member shall be notified at the point of application for funds by a business. As used in this Section, the "the downtown area" shall mean the area bounded on the north by Lake Erie, bounded on the east by East 12th Street, easterly along Euclid Avenue to East 14th Street; bounded on the south by Carnegie Avenue, and bounded on the west by Ontario Avenue to West Huron, northerly to West 9th Street to Lake Erie.

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

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

**Ord. No. 2157-05.**

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

**An emergency ordinance authorizing the Director of Economic Development to amend Contract No. 61222 with Bredt-Zanick LLC, operating as The Northern Ohio Lumber & Timber Company, for financial assistance to partially finance their expansion at 2550 West 3rd 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 an amendment to Contract No. 61222 with Bredt-Zanick LLC to change the interest rate throughout the term of the loan

from five percent (5%) to three percent (3%); and to change the loan repayment date from no later than February 1st, 2005 to no later than June 1, 2006. All other terms and conditions shall remain the same.

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

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

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

**Ord. No. 2158-05.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Cleveland Neighborhood Development Coalition to provide economic development assistance to partially finance the administration of the Cleveland Industrial Retention Initiative.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with Cleveland Neighborhood Development Coalition to provide economic development assistance to partially finance the administration of the Cleveland Industrial Retention Initiative.

**Section 2.** That the costs of the grant shall not exceed \$398,000 and, any other ordinance to the contrary notwithstanding, shall be paid from Fund No. 10 SF 501, Request No. 103684.

**Section 3.** That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

**Ord. No. 2159-05.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Ohio Canal Corridor to assist with costs related to the**

**development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with the Ohio Canal Corridor to assist with costs related to the development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.

**Section 2.** That the costs of the grant shall not exceed Seventy-Five Thousand Dollars (\$75,000.00) and shall be paid from Fund No. 17 SF 652, Request No. 103685.

**Section 3.** That the Director of Law is authorized to prepare the grant agreement and other documents that may be appropriate to complete the transaction.

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

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

**Ord. No. 2163-05.**

**By Council Member Brady.**

**An emergency ordinance to amend Section 237.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-05, passed June 6, 2005, relating to configuration of adult video booths.**

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

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

**Section 1.** That Section 237.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-05, passed June 6, 2005, is amended to read as follows:

**Section 237.03 Configuration**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) The camera system records **the view required in division (b)(10) of this section** in digital format on a minimum five-day recording loop. The owner or operator must maintain at least the most recent five-day period's recordings at all times.

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

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

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

(16) If a camera is not operating in any booth, the store must close that booth until the camera is repaired. "Not operating" means that

the camera does not transmit images showing the booth's interior so that the image is shown on the monitor and recorded by the recording device.

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

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

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

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

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

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

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

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

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

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

(k) The operator of the sexually oriented business, either personally or through an agent or employee,

shall regularly during each business day clean the viewing booths.

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

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

**Section 2.** That existing Section 237.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-05, passed June 6, 2005, is repealed.

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

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

#### FIRST READING EMERGENCY RESOLUTION REFERRED

##### Res. No. 2145-05.

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

**An emergency resolution declaring the intent to vacate a portion of Penn Court N.W.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Penn Court N.W., as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being the North-easterly 77.73 feet of Penn Court N.W. (16 feet wide), 162.25 feet east of the easterly right of way of West 32nd Street (66 feet wide).

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

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

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

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

**Ord. No. 2160-05.**

**By Council Member Britt.**

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

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove a banner at the intersections of Stokes Blvd. and Cedar Road for the period from November 21, 2005 to December 5, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 2161-05.**

**By Council Member Coats.**

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

Whereas, Adelphia Cleveland, LLC, an indirect wholly-owned subsidiary of Adelphia Communications Corporation, (collectively, "Adelphia") has the right to own, operate and maintain a cable system in the City of Cleveland, Ohio pursuant to a Franchise Agreement effective on or about September 16, 1986 (the "Franchise Agreement"), as amended from time to time, and as amended by the Amendment to Franchise Agreement approved by this Council by Ordinance No. 305-94, effective March 9, 1994 (the "1994 Amendment") and as amended by Ordinance No. 1729-2000, granting a

transfer of the Franchise from Cablevision of Cleveland, L.P. to Adelphia, approved by this Council on October 16, 2000, (the "2000 Transfer Ordinance"), (the Franchise Agreement, as amended, the 1994 Amendment, the 2000 Transfer Ordinance and this Ordinance, are collectively, to be referred to as the "Franchise"), which Franchise expires by its own terms on or about September 15, 2006; and

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

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

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

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

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

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

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

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

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

**B. Reimbursement of Costs.** The City shall be reimbursed for its actual costs and expenses incurred in connection with the proposed Transfer and renewal of the Franchise to the date of passage of this Ordinance, which reimbursement shall be made within thirty (30) days of receiving an invoice from the City for such reimbursement amounts which shall not exceed \$85,000.00 in total.

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

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

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

lic Utilities Committee of Council as to its specific progress in completing any corrections of any noncompliant drops.

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

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

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

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

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

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

**L. Liability Insurance.** Within ten (10) days of the effective date of this Ordinance, the limits of the cable operator's commercial general liability coverage shall be increased to at least \$5,000,000.00 for each occurrence, as required by City Council Ordinance No. 1729-2000, Section 1(M)(1). The requirements of such ordinance to provide the aforesaid \$5,000,000.00 per occurrence coverage shall be deemed satisfied by the cable operator's timely procurement and proof to the City of the following: 1) primary commercial general liability coverage with a

per-occurrence limit of at least \$1,750,000.00; and 2) follow-form excess liability insurance with a per-occurrence limit of at least \$20,000,000.00.

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

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

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

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

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

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

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

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

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

telecommunications and cable services to be allocated by ordinance by this Council.

**Section 5.** That it is found and determined that all formal actions by the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

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

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

File No. 2161-05-A  
GUARANTEE

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

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

**1. Interpretive Provisions.**

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

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

**2. Guaranty**

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

(b) This Guaranty shall remain in full force and effect until the earliest to occur of: (i) performance in full of all Guaranteed Obligations at

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

**3. Waiver**

Guarantor waives any and all notice of the creation, renewal, extension or accrual of any of the Guaranteed Obligations and notice of or proof of reliance by Beneficiary upon this Guarantee or acceptance of this Guarantee. Guarantor waives diligence, presentment, protest and demand for payment to Transferee or Guarantor with respect to the Guaranteed Obligations; provided, however, that Guarantor shall be furnished with a copy of any notice of or relating to default under the Franchise to which Transferee is entitled or which is served upon Transferee at the same time such notice is sent to or served upon Transferee.

File No. 2161-05-A  
 GUARANTEE

**4. Representations and Warranties**

Each of Guarantor and Beneficiary represents and warrants that: (i) the execution, delivery and performance by it of this Guarantee is within its corporate, limited liability company or other powers, have been duly authorized by all necessary corporate, limited liability company or other action, and do not contravene any law, order, decree or other governmental restriction binding on or affecting it and (ii) no authorization or approval or other action by, and no notice to or filing with, any governmental authority or regulatory body is required for the due execution, delivery and performance by it of this Guarantee, except as may have been obtained or made, other than, in the case of clauses (i) and (ii), contraventions or lack of authorization, approval, notice, filing or other action that would not, individually or in the aggregate, impair or delay in any material respect its ability to perform its obligations hereunder.

**5. Binding Effect**

This Guarantee, when executed and delivered by Beneficiary, will constitute a valid and legally binding obligation of Guarantor, enforceable against it in accordance with its terms, except as such enforcement may be limited by applicable bankruptcy, insolvency or other similar laws applicable to creditors' rights generally and by equitable principles (whether enforcement is sought in equity or at law).

**6. Notices**

All notices, requests, demands, approvals, consents and other communications hereunder shall be in writing and shall be deemed to have been duly given and made if served

by personal delivery upon the party for whom it is intended or delivered by registered or certified mail, return receipt requested, or if sent by telecopier, provided that the telecopy is promptly confirmed by telephone confirmation thereof, to the party at the address set forth below, or such other address as may be designated in writing hereafter, in the same manner, by such party:

To Guarantor and Transferee:

Time Warner Cable Inc.  
 290 Harbor Drive  
 Stamford, CT 06902-6732  
 Telephone: (203) 328-0631  
 Telecopy: (203) 328-4094  
 Attention: General Counsel

To Beneficiary:

City of Cleveland  
 601 Lakeside Avenue  
 Cleveland, Ohio 44114  
 Attn: Director of Law  
 Telephone: (216) 664-2800  
 Telecopy: (216) 664-2663

**7. Integration**

This Guarantee represents the agreement of Guarantor with respect to the subject matter hereof and there are no promises or representations by Guarantor or Beneficiary relative to the subject matter hereof other than expressly set forth herein.

**8. Amendments in Writing**

None of the terms or provisions of this Guarantee may be waived, amended, supplemented or otherwise modified except by a written instrument executed by Guarantor and Beneficiary, provided that any right, power or privilege of Beneficiary arising under this Guarantee may be waived by Beneficiary in a letter or agreement executed by Beneficiary.

**9. Section Headings**

The section headings used in this Guarantee are for convenience of reference only and are not to affect the construction hereof or be taken into consideration in the interpretation hereof.

**10. No Assignment or Benefit to Third Parties**

This Agreement shall be binding upon and inure to the benefit of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon anyone other than Guarantor and Beneficiary and their respective permitted assigns, any rights or remedies under or by reason of this Guarantee.

**11. Expenses**

All costs and expenses incurred in connection with this Guarantee and the transactions contemplated hereby shall be borne by the party incurring such costs and expenses.

**12. Counterparts**

This Guarantee may be executed by Guarantor and Beneficiary on separate counterparts (including by facsimile transmission), and all of said counterparts taken together shall be deemed to constitute one and the same instrument.

**13. GOVERNING LAW**

THIS GUARANTEE SHALL BE GOVERNED BY AND CONSTRUED AND INTERPRETED IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO WITHOUT REGARD TO PRINCIPLES OF CONFLICTS OF LAW.

IN WITNESS WHEREOF, each of the undersigned has caused this Guarantee to be duly executed and delivered by its duly authorized offi-

cer as of the day and year first above written.

TIME WARNER CABLE INC.

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

File No. 2161-05-B  
 TIME WARNER NY CABLE LLC  
 FRANCHISE  
 TRANSFER ACCEPTANCE

Subject to the closing of that transaction more fully described in Ordinance No. \_\_\_\_\_, Time Warner NY Cable LLC hereby accepts and agrees to abide by the terms and conditions of the Franchise between the City of Cleveland, Ohio and Adelphia Cleveland, LLC, the City of Cleveland, Ohio's Ordinance No. \_\_\_\_\_-05, adopted \_\_\_\_\_, 2005, conditionally approving and consenting to the transfer of the City of Cleveland, Ohio's Cable Television Franchise from Adelphia Cleveland, LLC to Time Warner NY Cable LLC.

Time Warner NY Cable LLC warrants and represents that this Franchise Transfer Acceptance is executed by a person lawfully authorized to act on its behalf and that this Franchise Transfer Acceptance is a legally binding obligation of Time Warner NY Cable LLC

TIME WARNER NY CABLE LLC

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

The undersigned, a Notary Public in and for said County and State, hereby certifies that \_\_\_\_\_, the \_\_\_\_\_ of Time Warner NY Cable LLC personally appeared before me and acknowledged that, having full authority so to do, he/she signed the foregoing Franchise Transfer Acceptance on behalf of Time Warner NY Cable LLC, in his/her capacity as \_\_\_\_\_, and that the same was his/her free and voluntary act and deed, and the free and voluntary act and deed of Time Warner NY Cable LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, on \_\_\_\_\_, 2005.

File No. 2161-05-C  
 ADELPHIA FRANCHISE  
 TRANSFER ORDINANCE  
 ACCEPTANCE

Adelphia hereby accepts and agrees to abide by the terms and conditions of the City of Cleveland, Ohio's Ordinance No. \_\_\_\_\_-05, adopted \_\_\_\_\_, 2005, conditionally approving and consenting to the transfer of the City of Cleveland, Ohio's Cable Television Franchise from Adelphia Cleveland, LLC to Time Warner NY Cable LLC.

Adelphia warrants and represents that this Franchise Transfer Ord-

nance Acceptance is executed by a person lawfully authorized to act on its behalf and that this Franchise Transfer Ordinance Acceptance is a legally binding obligation of Adelp

ADELPHIA CLEVELAND, LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )
) SS:
COUNTY OF \_\_\_\_\_ )

The undersigned, a Notary Public in and for said County and State, hereby certifies that \_\_\_\_\_, the \_\_\_\_\_ of Adelp

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2162-05. By Council Member Coats.

An emergency ordinance authorizing a Network Upgrade Surcharge substantiated by Adelp

Whereas, Adelp

Whereas, in accordance with applicable provisions of the Cable Consumer Protection and Competition Act of 1992, as amended (hereinafter the "Cable Act") and regulations adopted by the Federal Communications Commission (the "FCC"), the City is certified to regulate the basic cable service tier rate and related equipment rental, service and installation rates; and

Whereas, on or about November 26, 2003, pursuant to FCC regulations, the City received from Adelp

next 12 years in order to recover the cost, plus a rate of return, related to the upgrade of the cable system completed in the City in 2003; and

Whereas, in response to correspondence and discussions with the City's representatives, Adelp

Whereas, on November 22, 2004, City Council enacted Ordinance No. 2209-04 disapproving Adelp

Whereas, Adelp

Whereas, Adelp

Whereas, this Council has determined that it is in the best interest of the City's subscribers to resolve the disputed issues related to Adelp

Whereas, Adelp

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

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

Section 1. That based on the additional information submitted by Adelp

A. A Maximum Permitted Network Upgrade Surcharge Rate of \$0.39 per subscriber, per month (which FCC regulations permit to be added to the maximum permitted basic service tier rate) is authorized under FCC Regulations.

B. Although the FCC Form 1235 permits Adelp

C. Notwithstanding the Recovery Period approved in subsection B of this section, Adelp

D. In the event the Network Upgrade Surcharge, or any portion thereof, is ever charged to subscribers in the City, it will be separately itemized on subscriber billings as a "Network Upgrade Surcharge".

E. Adelp

F. Upon the effective date of this Ordinance, Adelp

G. Within ten (10) days of the passage of this Ordinance, Adelp

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That notice of the passage of this Ordinance shall be given by publishing the title and abstract of contents prepared by the Director of Law once in a newspaper of general circulation in the City of Cleveland and the Clerk is hereby directed to serve a certified copy of this Ordinance by certified mail on Adelp

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

File No. 2162-05-A
ACCEPTANCE OF
TERMS OF
CITY OF CLEVELAND, OHIO
ORDINANCE NO. 2162-05

Adelp

Adelp

By: \_\_\_\_\_
(Signature)

Name: \_\_\_\_\_
(Please type or print)

Title: \_\_\_\_\_
(Please type or print)

Date: \_\_\_\_\_

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 2164-05.****By Council Member Lewis.**

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with The Lion of Judah for the Lion of Judah Youth Reformation Center Project through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an agreement with The Lion of Judah for the Lion of Judah Youth Reformation Center Project for the public purpose of creating new jobs for Cleveland residents through the use of Ward 7 Neighborhood Equity Fund.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 2165-05.****By Council Member Pierce Scott.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Sankofa Fine Art Plus for the Community Art Training Program through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Sankofa Fine Art Plus for the Community Art Training Program for the public purpose of providing employment training in the arts to City of Cleveland youth through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions

as he deems necessary to protect the City's interest.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Res. No. 2166-05.****By Council Member Cimperman.**

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

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1

Liquor Permit at 3N Martial Arts Mini Mall, DBA 3N Martial Arts Mini Mall, 6217 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8917025; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 2167-05.****By Council Member Cimperman.**

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

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

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

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

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

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

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

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



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

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

**Section 1.** That Council does hereby record its objection to a transfer of Liquor License of a D5 and D6 Liquor Permit from LDJ Foods, Inc., 1st and 2nd floors, basement and patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 4949425 to Rutulian, LLC, 1303 West 6th Street, Cleveland, Ohio 44113, Permanent Number 7634550, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 2168-05.**

**By Council Member Cimperman.**

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

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

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

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

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

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

objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 2169-05.**

**By Council Member Polensek.**

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1288-04.**

**By Council Member White.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program

and located on East 93rd Street to Elsie B. Sanders.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1255-05.**

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1643-05.**

**By Council Member Britt.**

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1836-05.**

**By Council Member Pierce Scott.**

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

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

1. Strike Sections 11 and 12 in their entirety and insert the following new Sections:

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

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

**P. P. No. 120-01-022**

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

Also subject to zoning ordinances, if any.

**P. P. No. 120-01-023**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 180 in Sarah Phillips Subdivision of part of Original One Hundred Acre Lot Nos. 386 and 387 as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the westerly side of East 107th Street (formerly Adrian Street) and extending back between parallel lines, 120 feet, as appears by said plat.

Also subject to zoning ordinances, if any."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Ord. No. 1879-05.**

By Council Member Lewis.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1880-05.**

By Council Member Lewis.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1881-05.**

By Council Member Lewis.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1882-05.**

By Council Member Lewis.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1884-05.**

By Council Member Lewis.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1958-05.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with One Source Technology, LLC, dba IQ Employment Application Screening Database, to provide development assistance to partially finance the build-out and to purchase equipment for the property located at 1255 Euclid Avenue, and certain other costs necessary to redevelop the property.

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

1. In Section 3, line 1, after "shall" insert "**be ten percent (10%) of the**

**private equity raised by the Company, but shall**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Ord. No. 2068-05.**

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

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

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Legislation, Finance; when amended as follows:

1. In Section 2, at amended Section 523.21(c)(1), line 6, strike "customers. The" and insert "**customers. For the period ending December 31, 2008, the**"; and at the end, after "residential customers." insert "**Beginning on January 1, 2009, the incremental charge for all residential customers shall be adjusted by subtracting 15 mills per kilowatt hour.**".

2. In Section 2, at amended Section 523.21(c)(2), line 9, strike "523.048. The" and insert "**523.048. For the period ending December 31, 2008, the**"; and at the end, after "kilowatt hour." insert "**Beginning on January 1, 2009, such incremental charge shall be adjusted by subtracting 15 mills per kilowatt hour.**".

3. In Section 5, at amended Section 6, line 7, strike "and for capital improvements".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 2079-05.**

By Council Member Jackson (by departmental request).

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**LAI D ON THE TABLE**

**Ord. No. 1779-05.**

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair to Collinwood and Nottingham Village Development Corporation or designee.

**Ord. No. 2034-05.**

By Mayor Campbell.

An emergency ordinance expressing the commitment of the City to pay costs of public improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05; passed October 17, 2005.

**Ord. No. 2035-05.**

By Mayor Campbell.

An emergency ordinance expressing the commitment of the City to pay a portion of the costs of various utility and infrastructure improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05.

Without objection, Ordinance No. 1779-05, Ordinance No. 2034-05, and Ordinance No. 2035-05 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 1779-05 and Ordinance No. 2034-05, and Ordinance No. 2035-05 laid on the table.

**MOTION**

By Council Member White, seconded by Council Member Kelley, and unanimously carried that the absence of Council Members Patricia J. Britt and Nelson Cintron, Jr., be and is hereby authorized.

**MOTION**

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

City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

November 16, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 16, 2005, at 10:30 a.m. with Director Beasley presiding.

Present: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Absent: Mayor Campbell and Directors Carroll and Fumich.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

**Resolution No. 637-05.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Buyrite Office Products, Inc. for an estimated quantity of paper products, items nos. 10 thru 34, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on July 20, 2005, under the authority of Ordinance No. 358-05, passed May 9, 2005, which on the basis of the estimated quantity would amount to \$3,624.60 (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 goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153858 which shall be certified against the contract in the sum of \$1,799.85.

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

Yeas: None.

Nays: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 638-05.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Julian Supply Corp. for an estimated quantity of stop cock boxes (items 1, 2 and 3) for the Division of Water, Department of Public Utilities, received on August 24, 2005, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to \$95,025.00 (2%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a contract for the items.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 639-05.**

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Fabrizi Trucking & Paving Co., Inc. for the public improvement of West 162nd Street Storm Sewer Relocation, (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on October 7, 2005, under the authority of Ordinance No. 649-05, passed June 6, 2005, upon a unit basis for the improvement, in the aggregate amount of \$191,865.30, is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking and Paving Co., Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	
McTech	
MBE	\$30,000.00 (15.64%)
Friedel Trucking	
FBE	\$10,000.00 (5.21%)

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 640-05.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Best Equipment Company, Inc. for estimated quantity of labor and materials to maintain and repair Vac-All trucks, all items, for the Division of 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 October 14, 2005, under the authority of Ordinance No. 644-05, passed May 9, 2005, which on the basis of the estimated quantity would amount to \$225,000.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 150287 which shall be certified against the contract in the sum of \$75,000.00.

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 sepa-

rately certified against the contract.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 641-05.**

By Director Mok.

Whereas, under Ordinance No. 624-01, passed by the City of Cleveland Council on July 18, 2001, and Board of Control Resolution Nos. 133-03, 344-04 and 63-05, adopted March 5, 2003, June 9, 2004 and February 9, 2005, respectively, the City, through its Director of Port Control, entered into City Contract No. 60898 with O. R. Colan Associates, Inc. ("O.R. Colan") for turnkey acquisition, relocation and property management services as defined in the I-X Settlement Agreement by and between the City and Brook Park, dated November 20, 2001; and

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

Whereas, the City has determined to modify the scope of work to include certain additional professional services necessary for the acquisition of additional residential properties situated in Phase I/Zone 4 of the expansion zone as defined by the Settlement Agreement; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a third modification to the agreement between the City and O. R. Colan Associates of Florida, LLC., City Contract No. 60898, to include the services necessary to notify home owners in Phase I/Zone 4, as defined by the Settlement Agreement, of the potential acquisition of additional residential properties in Phase I/Zone 4, with one option, exercisable in writing by the Director of Port Control, to include as part of the Contract No. 60898 the services necessary for acquisition, relocation, and property management of the additional residential properties to be acquired in Phase I/Zone 4. The fees for the home owner notification services shall be \$10,000.00. If the Director of Port Control exercises the option for the additional acquisition, relocation, and property management services, the fees for those services shall not exceed \$1,709,218.25, increasing the total contract amount to not to exceed \$10,317,419.34.

Be it further resolved by the Board of Control of the City of Cleveland that if the Director of Port Control exercises the option for the additional acquisition, relocation, and property management services, the employment of the following subconsultants by O. R. Colan Associates of Florida, LLC is approved:

<u>Subconsultant</u> <u>DBE/MBE/FBE %</u>	<u>Amount</u>	<u>Subconsultant</u> <u>DBE/MBE/FBE %</u>	<u>Amount</u>
Sandra Heath & Associates, Inc. FBE 2.85%	\$ 48,960.00	McKas Consulting FBE 5.12%	\$15,120.00
Greater Cleveland Home Inspection Services MBE 1.31%	\$ 22,500.00	Jacobsen/Daniels Assoc. MBE 15.11%	\$44,645.00
Alpha Omega Chemical Company DBE/MBE 2.91%	\$ 50,000.00	C & S Engineers non-MBE/FBE 30.11%	\$88,946.00
United Engineering Associates MBE 3.25%	\$ 55,825.00	First Environment, Inc. non-MBE/FBE 19.43%	\$57,380.00
GAW Enterprises, Ltd. MBE 5.54%	\$ 95,200.00		
North Star Title Agency N/A 2.90%	\$ 49,920.00		
A & E Appraisal Services, Inc. N/A 1.77%	\$ 30,400.00		
Smith & Nejedlik N/A 0.99%	\$ 17,060.00		
The Jones Payne Group N/A 7.71%	\$132,480.00		
C&S Engineers N/A 2.48%	\$ 42,600.00		
Johnson Demolition & Construction N/A 18.27%	\$314,170.00		

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 642-05.**

By Director Mok.

Be it resolved, under the authority of Ordinance No. 2103-04, passed by the Council of the City of Cleveland on December 13, 2004, the firm of Hull and Associates ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services for design of an Environmental Management System for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Hull and Associates based upon its August 30, 2005 proposal, for a fee not to exceed \$295,373.00 for professional services to design an environmental management system 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 of the City of Cleveland that employment of the following sub consultants by Hull & Associates, Inc. is approved:

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 643-05.**

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Landfill, Inc. for an estimated quantity of transfer and disposal of tires, some on rims, Contract T, item 1, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of 2 years beginning with the date of execution of a contract, received on August 17, 2005 pursuant to the authority of Ordinance No. 364-05, passed May 28, 2005, which on the basis of the estimated quantity would amount to approximately \$286,650.00, 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 such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130588

which shall be certified against such contract in the sum of \$15,000.00.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 644-05.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Interstate Safety & Service Co., Inc. for an estimated quantity of arrow boards, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on September 21, 2005, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$37,241.60

(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. 154336 which shall be certified against the contract in the sum of \$37,241.60.

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: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 645-05.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of APO Holdings Inc. for an estimated quantity of air compressors, including options 1 through 10, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on September 21, 2005, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$171,356.00 (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. 154335 which shall be certified against the contract in the sum of \$162,503.00.

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: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 646-05.**

By Directors Ricchiuto, Rush and Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Fabrizi Trucking & Paving Co., Inc. for the public improvement of St. John's Village West — Phase 1 (Items 1 through 64), for the Division of Engineering and Construction, Departments of

Public Service, Community Development; and Public Utilities, received on October 27, 2005, under the authority of Ordinance Nos. 1913-01, 1015-02, 2332-02 and 1125-05, passed by the Cleveland City Council April 29, 2002, May 20, 2002, February 10, 2003 and August 3, 2005, respectively, upon a unit basis for the improvement, in the aggregate amount of \$1,025,730.25, is affirmed and approved as the lowest responsible bid, and the Directors of Public Service, Community Development and Public Utilities are authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Fabrizi Trucking & Paving Co., Inc. for the above-mentioned public improvement is approved:

McTech Corp., d.b.a. Tech Ready Mix  
5000 Crayton Avenue  
Cleveland, Ohio 44101  
(MBE) — \$165,000.00 — 16.09%

Julian Supply Company  
16300 S. Waterloo Road  
Cleveland, Ohio 44121  
(FBE) — \$13,000.00 — 1.27%

Friedel Trucking Company, Inc.  
5714 Archmere Avenue  
Cleveland, Ohio 44114  
(FBE) — \$42,000.00 — 4.09%

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 647-05.**

By Director Thompson.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 8, 2005, for HVAC/R materials and equipment for the Division of Property Management, Department of Parks, Recreation and Properties, under the authority of Ordinance No. 839-05, passed by the Council of the City of Cleveland on June 6, 2005, are rejected.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 648-05.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 124-02-001 and 124-02-044, located at East 61st Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1646-05 passed October 31, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1646-05 passed October 31, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel Nos. 124-02-001 and 124-02-044, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 649-05.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 115-02-077, located at East 141st Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1878-05 passed October 31, 2005, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Euclid - St. Clair Development Corporation or designee has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1878-05 passed October 31, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Euclid - St. Clair Development Corporation or designee for the sale and development of Permanent Parcel No. 115-02-077, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 650-05.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 115-13-045, located at East 148th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1900-05 passed October 31, 2005, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Pamela J. Hagler has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1900-05 passed October 31, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Pamela J. Hagler for the sale and development of Permanent Parcel No. 115-13-045, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 651-05.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 103-22-066, 103-22-108, 103-22-106, 103-23-001, 103-23-041, 103-23-042, 103-23-055, 103-23-056, 103-23-070, 103-23-086, 103-23-087, 103-23-088, 103-23-045, 103-22-029, located at scattered sites under said Land Reutilization Program; and

Whereas, Ordinance No. 1648-05 passed October 31, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1648-05 passed October 31, 2005, by the Cleveland City Council, the Mayor is hereby authorized

to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel Nos. 103-22-066, 103-22-108, 103-22-106, 103-23-001, 103-23-041, 103-23-042, 103-23-055, 103-23-056, 103-23-070, 103-23-086, 103-23-087, 103-23-088, 103-23-045, 103-22-029, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Fumich.

**Resolution No. 652-05.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 118-23-064, located at East 70th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1647-05 passed October 31, 2005, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1647-05 passed October 31, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel No. 118-23-064, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Acting Director Smith, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and 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, DECEMBER 5, 2005**

**9:30 A.M.**

**Calendar No. 05-336:** 1949 Columbus Road (Ward 13)

Sandro Santoli appeals to erect a 21' x 45' four-story single family residence, proposed to be situated on an approximate 25' x 79' parcel located in a Semi-Industry District on the east side of Columbus Road at 1949 Columbus Road; subject to the limitations of Section 345.03, no dwelling shall be located within 200' of a General Industry District unless approved by the Board of Zoning Appeals; and contrary to Section 355.01, a maximum gross floor area of 3,780 s/f is provided instead of 50% of the lot size, or 1,852 s/f, with a rear yard of 23 1/2' where the requirement is one-half the height of the main building or 47 1/2' and the interior side yard provided is 0' and 3', where the total must equal not less than one-fourth the height of the main building or 11'-8" as stated in Sections 357.08(b)(2) and 357.09(2)B of the Codified Ordinances.

**Calendar No. 05-337:** 1951 Columbus Road (Ward 13)

Sandro Santoli appeals to erect a 21' x 45' four-story single family residence, proposed to be situated on an approximate 25' x 79' parcel located in a Semi-Industry District on the east side of Columbus Road at 1951 Columbus Road; subject to the limitations of Section 345.03, no

dwelling shall be located within 200' of a General Industry District unless approved by the Board of Zoning Appeals; and contrary to Section 355.01, a maximum gross floor area of 3,780 s/f is provided instead of 50% of the lot size, or 1,852 s/f, with a rear yard of 23 1/2' where the requirement is one-half the height of the main building or 47 1/2' and the interior side yard provided is 0' and 3', where the total must equal not less than one-fourth the height of the main building or 11'-8" as stated in Sections 357.08(b)(2) and 357.09(2)B of the Codified Ordinances.

**Calendar No. 05-339:** 5709 Side Avenue (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, four unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of Side Avenue and West 58th Place at 5709 Side Avenue; contrary to Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,898 s/f is proposed, instead of one-half the lot size, or 512 s/f; with a 15'-2" lot width instead of 40' and a 1,023 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-340:** 5711 Side Avenue (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, four unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of Side Avenue and West 58th Place at 5711 Side Avenue; contrary to Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,862 s/f is proposed, instead of one-half the lot size, or 506 s/f; with a 15' lot width instead of 40' and a 1,012 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-341:** 5713 Side Avenue (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, four

unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of Side Avenue and West 58th Place at 5713 Side Avenue; contrary to Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,862 s/f is proposed, instead of one-half the lot size, or 506 s/f; with a 15' lot width instead of 40' and a 1,012 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-342:** 5715 Side Avenue (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, four unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of Side Avenue and West 58th Place at 5715 Side Avenue; contrary to Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,898 s/f is proposed, instead of one-half the lot size, or 512 s/f; with a 15'-2" lot width instead of 40' and a 1,023 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-343:** 1946 West 57th Street (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, five unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of West 57th Street and Side Avenue at 1946 West 57th Street; subject to the limitations of Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,908 s/f is proposed instead of one-half the lot size, or 504 s/f; with a 15'-2" lot width instead of 40' and a 1,008 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; with no side yards proposed and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than

a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-344:** 1948 West 57th Street (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, five unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of West 57th Street and Side Avenue at 1948 West 57th Street; subject to the limitations of Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,838 s/f is proposed instead of one-half the lot size, or 499 s/f; with a 15' lot width instead of 40' and a 997.5 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; with no side yards and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-345:** 1950 West 57th Street (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, five unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of West 57th Street and Side Avenue at 1950 West 57th Street; subject to the limitations of Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,838 s/f is proposed instead of one-half the lot size, or 499 s/f; with a 15' lot width instead of 40' and a 997.5 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; with no side yards and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-346:** 1952 West 57th Street (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, five unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of West 57th Street and Side Avenue at 1952 West 57th Street; subject to the limitations of Section 337.03, the proposed row house/townhouse is not

permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,838 s/f is proposed instead of one-half the lot size, or 499 s/f; with a 15' lot width instead of 40' and a 997.5 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; with no side yards and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-347:** 1954 West 57th Street (Ward 17)

Sutton Builders, owner, appeal to construct a single family dwelling and garage in a three-story, five unit townhouse building, to be situated on an irregular shaped corner parcel in a B1 Two-Family District on the southwest corner of West 57th Street and Side Avenue at 1954 West 57th Street; subject to the limitations of Section 337.03, the proposed row house/townhouse is not permitted in a Two-Family District and contrary to Section 355.04(b), a maximum gross floor area of 1,897 s/f is proposed instead of one-half the lot size, or 507 s/f; with a 15' lot width instead of 40' and a 1,013.3 s/f minimum lot area, instead of 2,400 s/f; and contrary to Section 357.08(b)(1) an 18' rear yard depth is proposed where 20' is required; with no side yards and in a Two-Family District, no interior side yard shall be less than 5' in width for a corner lot, nor less than a 3' width for an interior lot, and the aggregate width of side yards on the same premises shall not be less than 10' as stated in Section 357.09(b)(2)B of the Codified Ordinances.

**Calendar No. 05-349:** 2087 West 7th Street (Ward 13)

Sutton Builders owner, appeal to construct a 42' x 36' three-story single family residence on a 113' x 59' triangular shaped corner parcel located in a Multi-Family District on the northeast corner of West 7th Street and University Row at 2087 West 7th Street; contrary to Section 357.04 of the Yards and Courts Requirements, a 6' front yard setback is provided, where the line of the existing dwelling on the adjacent lot equals 7' and according to the provisions of Section 357.09(2)(b), the interior side yard shall equal one-fourth the height of the main building and 3.67' is provided where 9.25' is required; and Section 357.05(A) states that a 5' side yard is required for a corner lot and 4' is provided; and contrary to Section 357.09(2)(A), a 5' distance is provided from the main building on the adjacent lot where 10' is required; and Section 357.13(b)(4) states that open porches shall not extend within 10' of the street line; with a rear yard depth of 4' provided, instead of either 20' or, one-half the height of the main building on the lot, being 17' according to

Section 357.08 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 21, 2005**

At the meeting of the Board of Zoning Appeals on Monday, November 21, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 05-330:** 1455 East 185th Street

E-Poch Properties LLC, owner, and Sansai Environmental Technologies, Inc., lessee, appealed to establish used for the manufacture of soil products in an existing manufacturing building located in split zoning for a Residence Industry District and a General Industry District; subject to conditions.

**Calendar No. 05-281:** 6501 Clark Avenue

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

The following appeal was **Denied:**

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

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

The following appeal was **Postponed:**

None.

In Executive Session on November 21, 2005, the following appeals heard by the Board on November 14, 2005 were adopted and approved.

The following appeals were **Approved:**

**Calendar No. 05-322:** 3101 Marvin Avenue

Richard Morgan appealed to erect a two-story barn style garage in the rear yard of a single family dwelling in a Two-Family District.

**Calendar No. 05-323:** 2105 West 31st Street Place

Anna Revay appealed to use as a parking space a driveway along the side of a dwelling house in a Two-Family District; subject to conditions.

**Calendar No. 05-324:** 9300 Lorain Avenue

The West Side Community House appealed to building a two-story community center on a corner parcel in split zoning between Local Retail Business and Two-Family Districts.

The following appeal was **Denied:**

**Calendar No. 05-331:** 15506 Puritas Avenue

Miklos Papp appealed to install 135' of 4' high chain link fence with a gate along the front and side street property line of a corner parcel in a One-Family District.

Secretary

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

Re: Report of the Meeting of November 16, 2005

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

\* \* \*

**Docket A-86-05.**

RE: Appeal of Eric Minshall, Receiver, Owner of the Masonry Property located on the premises known as 2310 Superior Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated June 23, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled for December 14, 2005.

\* \* \*

**APPROVAL OF RESOLUTIONS**

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

A-78-05 — Richard C. Giachetti (Amended) (No Action).

A-103-05—Goodrich Properties.

A-111-05—Edward M. Wheatley.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

November 2, 2005

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

\* \* \*

Secretary



**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING****Notice of Public Hearing  
By the Council Committee  
On City Planning**

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

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

**Ord. No. 1657-05.**

By Council Member Zone.

An ordinance to change the Use Districts of parcels fronting on the north and south sides of Lorain Avenue between West 73rd Street and West 67th Street from a General Retail Business District and a Semi-Industry District to a Local Retail Business District (Map Change No. 2160 Sheet No. 1).

**Ord. No. 1839-05.**

By Council Member Sweeney.

An ordinance to change the Use and Area Districts of a parcel of land on the North side of Sprecher Avenue from a One-Family Residential District and an 'A' Area District to a Semi-Industry District and a 'B' Area District (Map Change No. 2163, Sheet No. 13)

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

Joseph C. Cimperman  
Chairman  
Committee on City Planning

November 16, 2005 and November 23, 2005

**NOTICE OF PUBLIC HEARING****Notice of Public Hearing  
By the Council Committee  
On City Planning**

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

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

**Ord. No. 1786-05.**

By Council Member Polensek.

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

**Ord. No. 1897-05.**

By Council Member Zone.

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

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

Joseph C. Cimperman  
Chairman  
Committee on City Planning

November 23, 2005 and November 30, 2005

**CITY OF CLEVELAND BIDS****For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise**

**code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."**

**WEDNESDAY, DECEMBER 7, 2005**

**Aerial Boom Lift**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, NOVEMBER 29, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.**

**Software to Support MITIS System**, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 2213-96, passed by the Council of the City of Cleveland, January 13, 1997.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 1, 2005 AT 10:00 A.M., 205 W. SAINT CLAIR AVENUE, 3RD FLOOR, CLEVELAND, OHIO 44114.**

November 16, 2005 and November 23, 2005

**FRIDAY, DECEMBER 9, 2005**

**Team Room Building and Parking Collinwood Athletic Complex**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 2151-03 and 2365-04, passed by the Council of the City of Cleveland, December 15, 2003 and January 24, 2005, respectively.

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

**Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners, Including Appurtenances (Vectors) (Re-Bid)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-05, passed by the Council of the City of Cleveland, May 9, 2005.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, NOVEMBER 29, 2005 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.**

**Maintenance, Repair, and Replacement of High-Voltage Oil Static Pipe Type Cable and Related Equipment (Re-Bid)**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1014-

05, passed by the Council of the City of Cleveland, July 13, 2005. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, DECEMBER 2, 2005 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 16, 2005 and November 23, 2005

**THURSDAY, DECEMBER 8, 2005**

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

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

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

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

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

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

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

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

November 23, 2005 and November 30, 2005

**FRIDAY, DECEMBER 9, 2005**

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

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

**Constructing and Installing Replace Sewers and Rehabilitating and Repairing Sewers at Various Locations**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.292 of the Codified Ordinances, Cleveland, Ohio, 1976.

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

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

November 23, 2005 and November 30, 2005

**THURSDAY, DECEMBER 15, 2005**

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

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, DECEMBER 6, 2005 AT 2:00 P.M., CAMP FORBES (MAIN BUILDING), 25440 HARVARD ROAD, HIGHLAND HILLS, OHIO 44122.

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

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 8, 2005 AT 2:00 P.M., DIVISION OF ARCHITECTURE, 601 LAKESIDE AVENUE, ROOM 517, CLEVELAND, OHIO 44114.

November 23, 2005 and November 30, 2005

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 2084-05.**  
**By Council Members Dolan, Zane and Westbrook.**

**An emergency resolution objecting to plans to move the Lakewood Social Security Administration Office and encouraging the Social Security Administration to maintain the local office at 14650 Detroit Avenue in Lakewood, Ohio.**

Whereas, the United States Social Security Administration currently operates a local office at 14650 Detroit Avenue in Lakewood, Ohio; and

Whereas, this local office is centrally located and utilized by many Clevelanders residing on the West Side; and

Whereas, this local office is easily accessible via public transportation, bicycle, and pedestrian traffic; and

Whereas, the Social Security Administration is contemplating moving the Lakewood local office to a suburb that is not as accessible to Clevelanders residing on the West Side and not as accessible via public transportation; 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 objects to plans to move the Lakewood Social Security Administration Office and encourages the Social Security Administration to maintain the local office at 14650 Detroit Avenue in Lakewood, Ohio.

**Section 2.** That the Clerk of Council is requested to transmit copies of this resolution to President George W. Bush, United States Senator George Voinovich, United States Senator Michael DeWine, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, all other members of the United States Congressional delegation representing the State of Ohio, and Jo Anne B. Barnhart, Commissioner of Social Security.

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

Adopted November 14, 2005.

Effective November 18, 2005.

**Res. No. 2093-05.**

**By Council Member Lewis.**

**An emergency resolution urging the federal Food and Drug Administration to seek ways to better control counterfeit drug sales in the United States.**

Whereas, the business of selling fake prescription drugs is an increasing global industry; and

Whereas, nearly \$39 billion, or 11% of global pharmaceutical commerce will be counterfeit this year; by 2010, this number will double; and

Whereas, many products sold via drug traffickers contain ingredients that could be harmful, and these products come from illegal operations with poor controls; and

Whereas, drugs come into Canada from places such as China, Chile, India, Belize, the Bahamas and Vietnam through a process known as transshipment and most of these drugs are mailed to customers in the

United States from Internet pharmacies in Canada; and

Whereas, although people often save money by purchasing pharmaceuticals via the internet from Canada and other foreign countries, nothing guarantees the safety of drugs exported from these countries; and

Whereas, Canada's national drug agency cannot guard the purity of drugs exports sold from Canada to the United States; and

Whereas, this all poses a grave health risk to citizens of the U.S. who use prescriptions drugs and seek ways to save money on the purchase of such drugs; and

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

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

**Section 1.** That this Council hereby urges the federal Food and Drug Administration to seek ways to better control counterfeit drug sales in the United States.

**Section 2.** That the Clerk is hereby directed to transmit copies of this resolution to directors of the Food and Drug Administration and Health and Human Services, to Ohio Senators DeWine and Voinovich and all federal Representatives from Ohio.

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

Adopted November 14, 2005.

Effective November 18, 2005.

**Res. No. 2094-05.**

**By Council Member Coats.**

**An emergency resolution opposing Senate Bill 1504 known as the "Broadband Investment and Consumer Choice Act" (S. 1504) and Senate Bill 1349/House Bill 3146 known as the "Video Choice Act" (S. 1349/H.R.3146), and urging Congressional Representatives to refrain from any form of support or co-sponsorship of S. 1504, S. 1349 and H.R. 3146 and to vote in opposition to said bills.**

Whereas, on August 2, 2005, the Broadband Investment and Consumer Choice Act of 2005 (S. 1504) was introduced in the federal senate; and

Whereas, S. 1504 would preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way; and

Whereas, the City's negotiated contract with its cable operator would be abrogated under the terms of the bill; and

Whereas, S. 1504 would substitute a new compensation methodology on the parties to the City's existing franchise contract, depriving the

City of the agreed-upon bargain by lowering the existing franchise fee and replacing it with a fee which must be justified as being "reasonable" in the eyes of the user, limited to management costs (which denies the rights of the property owner to obtain fair and reasonable compensation for the use of public property for private gain), and not in excess of 5%; and

Whereas, these requirements and restrictions would result in the creation of a subsidy to the cable and telecommunications industries, at the expense of the City's taxpayers; and

Whereas, the bill would further substantially reduce the revenues that are now includable in the definition of "Gross Revenues" so that even if the franchise fee did in fact remain at 5%, the City's revenues from the fee would be significantly less due to the smaller revenue base; and

Whereas, S. 1504 would substantially reduce the amount of capacity which may be required by local governments to meet their public, educational and government ("PEG") access needs, while stripping the City of the ability to obtain capital support for the use of PEG capacity - part of the bargain contained within the City's negotiated franchise agreement - with the result that the community's cable-related needs and interests would not be met; and

Whereas, the bill would deprive local citizens of the ability to address local issues locally, by removing to the state all customer service issues, and further by denying consumers any form of recourse for any actions of a communications provider; and

Whereas, S. 1504 would eliminate any build-out requirements for any video service provider, thereby allowing providers to discriminate based on the wealth of the local neighborhoods they choose to serve; and

Whereas, the bill would preempt any state or local law that is not generally applicable to all businesses, thereby potentially preempting any law applicable to only certain classes of businesses, such as utilities and rights-of-way users (such as requiring undergrounding of facilities and ensuring electric code compliance); and

Whereas, S. 1504 would prohibit the City from imposing any fee for issuance of rights-of-way construction permits yet would require the City to act on requests for permits in a timely manner as determined by the FCC, thereby insinuating inappropriate federal government involvement in the basic day-to-day management of local rights-of-way; and

Whereas, the bill would prohibit municipalities and their utilities from providing communications services without giving a right of first refusal to private industry, and would then grant industry unfettered access to all municipal facilities and financing in the event private industry chooses to provide services; and

Whereas, the bill would deprive the City of the authority to estab-

lish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of the City's business; and

Whereas, S. 1504 would permit broadened preemption of local zoning decisions relating to the placement of cell towers, depriving the City of the authority to ensure that such towers are safely and appropriately located in areas to provide the greatest degree of services without unnecessarily posing a hazard to the public health, safety and welfare; and

Whereas, the bill would eliminate the protection the City currently has against liability for damages and attorneys fees in lawsuits brought by communication service providers against local governments, a type of litigation that the bill would seem to invite service providers to bring; and

Whereas, on June 30, 2005, the "Video Choice Act" (S. 1349/H.R. 3145) was introduced in the federal House and Senate; and

Whereas, S. 1504, S. 1349 and H.R. 3146 would eliminate any build out requirements for video service providers, thereby allowing such providers to pick the most lucrative communities to service and discriminate against neighborhoods based on wealth or race; 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 opposes Senate Bill 1504 known as the "Broadband Investment and Consumer Choice Act" (S. 1504), and S. 1349/H.R. 3146 known as the "Video Choice Act", and urges Congressional Representatives to refrain from any form of support or co-sponsorship of S. 1504, S. 1349/H.R. 3146, and to vote in opposition to said bills.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to the President of the United States, and to the members of the Ohio Congressional delegation.

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

Adopted November 14, 2005.

Effective November 18, 2005.

**Res. No. 2096-05.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3590 Bosworth Road, and repealing Resolution No. 1572-05, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3590 Bosworth Road by Resolution No. 1572-05 adopted by the Council on August 3, 2005; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Best Nat Corporation, DBA Bosworth Food Mart, 3590 Bosworth Road, Cleveland, Ohio 44111, Permanent Number 0668900 be and the same is hereby withdrawn and Resolution No. 1572-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 14, 2005.

Effective November 18, 2005.

**Res. No. 2097-05.**

**By Council Member Lipovan Holan.**  
**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3807-09 Denison Avenue, and repealing Resolution No. 1347-05, objecting to said renewal.**

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3807-09 Denison Avenue by Resolution No. 1347-05 adopted by the Council on July 13, 2005; and

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

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

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

**Section 1.** That objection to a D2, D2X, D3 and D3A Liquor Permit to Libby, Inc., DBA Ivy Tavern, 3807-09 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 5181602 be and the same is hereby withdrawn and Resolution No. 1347-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 14, 2005.

Effective November 18, 2005.

**Ord. No. 1642-05.**

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

**An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into an agreement with the Orlando Baking Company, or an entity controlled by them, providing for the exchange of real properties.**

Whereas, the Department of Community Development desires to enter into an agreement with the Orlando Baking Company, or an entity controlled by them, ("Orlando") providing for the even exchange of certain real properties; and

Whereas, the City property to be transferred to Orlando are components of the City of Cleveland's land reutilization program and, as such, can be transferred under Section 5722.07 of the Revised Code without the consent of other legislative authorities only if: (a) the property is sold at not less than fair market value under the policies of the Land Reutilization Program; and (b) the property is subject to such restrictions and covenants as appropriate to assure the land's effective reutilization; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to enter into an agreement for and on behalf of the City of Cleveland with Orlando providing for the exchange of real property, including transfer of fee title to Orlando Realty, Inc. of the following described property:

P. P. No. 124-28-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 2 and 3 of W. H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Easterly line of East 75th Street, 17 feet Southerly from the Northwesterly corner of said Sublot No. 2; thence Northerly along the Easterly line of East 75th Street, 33 feet; thence Easterly about 115 feet 8 inches to a point in the Westerly line of land conveyed to Edward and Rose Ludeshier by deed recorded in Volume 1207, Page 538 of Cuyahoga County Records, 34 feet Southerly from the Southerly line of Grand Avenue, S.E.; thence Southerly along the Westerly line of land so conveyed to Ludeshier, 33 feet; thence Westerly 115 feet 5 inches to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 5, C.B. Morgan's Re-Subdivision, Plat Book 26, Page 12, Cuyahoga County Records, 30 feet front on the Southerly side of Grand Avenue and being 100.26 feet on the Easterly line, 100.69 feet deep on the Westerly line, 30 feet in the rear, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio as part of Sublot Nos. 36, 37 and 40, Yeakels, Sichly, Walkey and Hoffman's Subdivision, Plat Book 4, Page 33, Cuyahoga County Records, beginning in the Southerly side of Grand Avenue at the Westerly line of Sublot No. 36; then Easterly in the Southerly side of Grand Avenue 30 feet; then Southerly parallel with the Westerly line of Sublot Nos. 36, 37 and 40 about 100.69 feet to the Southerly line of Sublot No. 40, thence Westerly in the Southerly line of Sublot No. 40, 30 feet to the Southwesterly corner thereof; then Northerly in the Westerly lines of Sublot Nos. 40, 37 and 36 about 101.12 feet to the beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15 in the W.H. Beaumont Subdivision of part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Grand Avenue, S.E., at the Northwesterly corner of said Sublot No. 15; thence Easterly along the Southerly line of Grand Avenue, S.E., 40.37 feet to the Northeasterly corner of said Sublot No. 15; thence Southerly along the Easterly line of said Sublot No. 15, 74 feet; thence Westerly and parallel with the Southerly line of said Sublot No. 15, 22.22 feet; thence Southerly and parallel with the Easterly line of said Sublot No. 15, 28 feet; thence Westerly and parallel with the Southerly line of said Sublot, 18.87 feet to the Westerly line of Sublot No. 15; thence Northerly along the Westerly line of said Sublot, 102 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of Sublot No. 13, W.H. Beaumont's Subdivision, Plat Book 5, Page 13, Cuyahoga County Records, 30 feet on the Southerly side of Grand Avenue, extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 20 feet of Sublot No. 12 and the Westerly 10 feet of Sublot No. 13 in W.H. Beaumont's Subdivision, of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Southerly side of Grand Avenue, and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 30 feet of Sublot No. 12, W.H. Beaumont's Allotment, Plat Book 5, Page 13, Cuyahoga County Records and being 30 feet on the Southerly side of Grand Avenue, extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11, W.H. Beaumont's Subdivision, of a part of Original One Hundred Acre Lot No. 330, as shown in Plat Book 5, Page 13, Cuyahoga County Records, 50 feet front on the Southerly side of Grand Avenue, extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly part of Sublot No. 10 in W.H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Northerly line of said Sublot No. 10 which is distant Easterly 29 feet from the Northwesterly corner of said Sublot No. 10; thence Easterly along the Northerly line of said Sublot 21 feet; thence Southerly along the Easterly line of said Sublot No. 10, 150 feet; thence Westerly along the Southerly line of said Sublot, 32 feet to a point; thence Northerly and parallel with the Westerly line of said Sublot No. 10, 56 feet to a point, thence Northeasterly at an angle about 18 feet to a point which is distant Southerly 80 feet from the Northerly line of said Sublot No. 10, and which is also distant Easterly 29 feet from the Westerly line of said Sublot No. 10; thence Northerly and parallel with the Westerly line of said Sublot No.

10, 80 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in W.H. Beaumont's Subdivision of a part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, said Sublot No. 8 being 50 feet front on the South side of Grand Avenue, extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet of Sublot No. 7, in W.H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Grand Avenue, S.E., and extending back of equal width 150 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. 124-28-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in the W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records; said Sublot No. 5 has a frontage of 50 feet on the Southerly side of Grand Avenue (50 feet wide) extends back between parallel lines of 150 feet and contains 0.1722 acres of land, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet of Sublot No. 4 in Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Grand Avenue, S.E., and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 25 feet of Sublot No. 4 in W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of

Cuyahoga County Records, and being 25 feet front on the Southerly side of Grand Avenue, and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 124-28-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 35 feet of Sublot Nos. 2 and 3 in W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records 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.

P. P. No. 124-28-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in W.H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 13 of Maps, Page 10 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Grand Avenue, S.E., at a point distant 29 feet Easterly measured along said Southerly line from the Northwesterly corner of said Sublot No. 10; thence Westerly along the Southerly line of Grand Avenue, S.E., 29 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of said Sublot, 150 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said Sublot, 18 feet; thence Northerly and parallel with the Westerly line of said Sublot, 56 feet; thence North-easterly in a direct line about 18 feet to its intersection with a line drawn Southerly and parallel with the Westerly line of said Sublot No. 10, from the place of beginning; thence Northerly and parallel with the Westerly line of said Sublot, 80 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 124-28-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 1 in W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being bounded and described as follows:

Beginning at an iron pin set in the Northerly line of said Sublot at a point South 89° 26' 30" East 86 feet from the Northwest corner of said Sublot; thence South 89° 26' 30" East 63.97 feet to an iron pin at the Northeast corner of said Sublot; thence South 0° 35' 20" West 49.99 feet to an iron pin set at the Southeast corner of Sublot; thence North 89° 27' 15" West 32.06 feet to an iron

pin set in the South line of said Sublot; thence due North 20 feet to an iron pin; thence North 89° 27' 15" West 31.62 feet to an iron pin; thence due North 30.01 feet to the place of beginning, according to survey made by Jay R. Katz, Registered Engineer No. 8080 and Surveyor No. 3775 of the State of Ohio, dated February 17, 1951, be the same more or less, but subject to all legal highways.

**Section 2.** That the agreement shall also provide that Orlando shall transfer fee title to the City of Cleveland of the following described property:

P. P. No. 121-33-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 31 in J.F. Grether, J.G. Grether and C. J. Palm's Subdivision of part Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, page 39 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Mt. Carmel Road S.E., (formerly Ingersol Road), and extending back 134 feet 2 inches deep on the Easterly line 149 feet 4 inches deep on the Westerly line and having a broken rear line of 42 feet 11-3/4 inches as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being and known as being Sublot No. 30 in Grether and Palmers Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Southerly side of Mt. Carmel Road and extending back 134 feet, 2 inches on the Westerly line 123 feet 3 1/8 inches, on the Easterly line and having a rear line of 41 feet 5 1/4 inches as appears on said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 25 in Grether and Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Northerly side of Woodland Avenue and extending back 133 feet 2 inches on the Easterly line, and 140 feet on the Westerly line, and having a rear line of 40 feet 7.5 inches.

P. P. No. 121-33-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 24 in Grether Plamer's Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Northerly side of Woodland Avenue and extending

back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 23 in Grether and Palmer Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Northerly side of Woodland Avenue and extending back of equal width 140 feet, as appears on said Plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-145

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block "A" in J.F. Grether, J.G. Grether and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14, Page 39 of Cuyahoga County Records, and bounded and describe as follows:

Beginning on the Northerly line of Danville Court, S.E. (formerly Luna Court), 17 feet wide, said Northerly line being parallel with the Southerly line of said Block "A" and distant 5 feet Northerly therefrom, as shown by said Plat, at a point distant 205 feet Easterly, measured along said Northerly line from the Westerly line of said Block "A". Thence Easterly along the Northerly line of Danville Court, S.E., 70 feet to the Southeastly corner of land conveyed to Sarah Leone by deed dated March 25, 1929, and recorded in Volume 3939, Page 85 of Cuyahoga County Records. Thence Northerly along the Westerly line of land so conveyed to Sarah Leone, 35.95 feet to the Southwesterly line of Amanda Court, S.E.; thence Northwesterly along the Southwesterly line of Amanda Court, S.E. 77.50 feet to its intersection with the line drawn parallel with the Westerly line of said Block "A" from the place of beginning. Thence Southerly in a direct line 69.97 feet to the place of beginning and being further known as Sublot No. 9 and part of Sublot No. 10 in Mary Grether's Subdivision proposed, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-146

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Block "A" in J.F. Grether, J.G. Grether and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14, Page 39 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the proposed Northerly line of Danville Court S.E. (formerly Luna Court), as proposed to be widened to 17 feet, said proposed Northerly line being parallel with and distant 5 feet Northerly at right angles from the Southerly line of said Block "A" at a point distant Easterly, measured along said proposed Northerly line of Danville

Court S.E., 275 feet from the Westerly line of said Block "A", said beginning point being also Distant 157 feet Northerly from the Northerly line of Woodland Avenue, S.E., (formerly North Woodland Avenue), and distant 427 feet Easterly from the Easterly line of East 110th Street, (formerly Fern Cliff Avenue). Thence Easterly parallel with said Southerly line of Block "A" and along said proposed Northerly line of Danville Court S.E., 65 feet to a point. Thence Northerly parallel with the Westerly line of said Block "A", 4.17 feet to the Southwesterly line of Amanda Court S.E. 12 feet wide. Thence Northwesterly along the Southwesterly line of Amanda Court S.E., 72.10 feet to a point in a line drawn parallel with said Westerly line of Block "A", from the place of beginning. Thence Southerly parallel with the Westerly line of said Block "A", 35.95 feet to the place of beginning, and being further known as a part of Sublot No. 10 in Mary Grether's proposed Subdivision of Block "A" in said Grether and Painter's Subdivision as aforesaid be the same more or less, but subject to all legal highways.

P. P. No. 121-33-147

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block "A" in J.F. Grether, J.G. Grether and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat of said Subdivision in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and bounded and described as follows:

The beginning point is on a line distant 5 feet Northerly from and parallel with the Southerly line of said Block "A" at a pint distant 175 feet Easterly from the Westerly line of said Block "A" (said beginning point being also distant 157 feet Northerly from the Northerly line of Woodland Avenue, S.E. (formerly North Woodland Avenue) and distant 327 feet Easterly from the Easterly line of East 110th Street, (formerly Fern Cliff Avenue); thence Easterly on a line parallel with the Westerly line of said Block "A", a distance of 69-97/100 feet to the Southwesterly side of Amanda Court, S.E.; thence Northwesterly along said Southwesterly side of Amanda Court, S.E., a distance of 33-25/100 feet; thence Southerly and parallel with the Westerly line of said Block "A" a distance of 84-53/100 feet to the place of beginning and being further known as Sublot No. 8 in Mary Grether's Proposed Subdivision of Block "A" of said J.F. Grether and others' Subdivision aforesaid, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 128-03-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 31 and 32 in Barbara and Albert Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Woodland Avenue S. E. (formerly North Woodland Avenue), at its intersection with the Westerly line of East 112th Street (formerly East May Street); thence Westerly along the Southerly line of Woodland Avenue S. E. 45.5 feet to a point distant Easterly 524 feet from the Westerly line of Original One Hundred Acre Lot No. 419; thence Southerly 72 feet parallel with the Westerly line of Original One Hundred Acre Lot No. 419 to the Northwesterly corner of a parcel of land conveyed to Helen H. DeFranco by deed dated November 18, 1937 and recorded in Volume 4806, Page 472 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to said DeFranco 45.33 feet parallel to the Southerly line of Woodland Avenue, S. E. to a point in the Westerly line of East 112th Street; thence Northerly along the Westerly line of said East 112th Street, 72 feet, to the place of beginning be the same more or less, but subject to all legal highways.

P. P. No. 121-33-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 21 in Grether and Palmer Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Northerly side of Woodland Avenue and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That the agreement authorized shall be prepared by the Director of Law and shall include assurances that the exchange was conducted using fair market values, as determined by the Board of Control; and that the City property being transferred to Orlando is subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization.

**Section 4.** That the conveyance referred to in Section 1 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 provisions necessary to protect the parties and their respective interests, including restrictive covenants deemed necessary by the Directors of Community Development and Law, and shall specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs.

**Section 5.** That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of the properties.

**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 November 14, 2005.  
Effective November 18, 2005.

**Ord. No. 2080-05.**  
**By Council Member Cimperman.**  
**An emergency ordinance to amend Sections 6 to 10 of Resolution No. 1387-05, adopted on September 12, 2005, relating to the resolution of necessity; approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the creation of the Downtown Business Improvement District and to provide additional security, additional cleaning and maintenance of the public rights-of-way within the District and collective economic development and marketing of the District in the City of Cleveland; determining to proceed to provide additional security, cleaning and maintenance of the public rights-of-way within the District, and collective economic development and marketing of the District; adopting the assessments; levying the assessments; and authorizing the Director of Economic Development to enter into an agreement with the Downtown Cleveland Improvement Corporation.**

Whereas, the Assessment Equalization Board appointed under Resolution No. 1841-05, adopted October 10, 2005, to hear and determine all objections concerning the estimated assessments under Resolution No. 1387-05, adopted September 12, 2005, to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District; and

Whereas, the Assessment Equalization Board has filed its report with this Council as to its determination of the objections; and

Whereas, this Council deems the report proper in all respects; and

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

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

**Section 1.** That Sections 6, 7, 8, 9, and 10 of Resolution No. 1387-05, adopted September 12, 2005 are amended to read as follows:

**Section 6.** That the assessments to be levied shall be paid when levied in five annual installments. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City on or before January 15, 2006. The second through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2007 through 2010. All assessments and installments which have not been paid shall be certified

by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

**Section 7.** Reserved.

**Section 8.** Reserved.

**Section 9.** Reserved.

**Section 10.** Reserved.

**Section 2.** That existing Sections 6, 7, 8, 9, and 10 of Resolution No. 1387-05, adopted September 12, 2005 are repealed.

**Section 3.** That the report of the Assessment Equalization Board, appointed under Resolution No. 1841-05, adopted October 10, 2005, is approved and placed in File No. 2080-05-A.

**Section 4.** That the assessments as equalized by the Board and recommended by it in the report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

**Section 5.** That it is determined to proceed to provide additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District (collectively, "District Services") in the Downtown Cleveland Improvement District as established in Resolution No. 1387-05, adopted September 12, 2005, as amended by this ordinance (the "Resolution of Necessity").

**Section 6.** That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and estimates previously approved and filed in the office of the Clerk of Council, in accordance with the estimates, as equalized.

**Section 7.** That all claims for damages resulting from the District Services that have been filed under law shall be judicially inquired into after completion of the District Services.

**Section 8.** That it is further determined that the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner, and number of installments as provided for in the Resolution of Necessity.

**Section 9.** That the list of assessments as equalized by the Board, for the cost of the District Services as reported to this Council, placed in the file mentioned above, and aggregating \$16,216,484.02 are adopted and conformed as final assessments.

**Section 10.** That the several amounts of the final assessments are assessed and levied on the lots and lands benefited and to be charged therewith in the Downtown Cleveland Improvement District in proportion to the benefits as described in the Resolution of Necessity.

**Section 11.** That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

**Section 12.** That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

**Section 13.** That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City on or before January 15, 2006. The second through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2007 through 2010. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

**Section 14.** That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

**Section 15.** That the Clerk of this Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this ordinance.

**Section 16.** That the Clerk of Council is directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

**Section 17.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 18.** That the Director of Economic Development is authorized to enter into a contract with Downtown Cleveland Improvement Corporation setting forth the terms under which the City will levy an assessment for the Downtown Cleveland Improvement District and the use of the proceeds of the assessments levied herein.

**Section 19.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 14, 2005.  
Effective November 18, 2005.

**Ord. No. 2086-05.**  
**By Council Member Cintron.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Spanish American Committee for Three Kings Day and Holiday Food Distribution Program through the use of Ward 14 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 Spanish American Committee for the Three Kings Day and Holiday Food Distribution Program for the public purpose of promoting Hispanic cultural heritage and providing food baskets to low and moderate income Cleveland residents over the holiday season through the use of Ward 14 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$33,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 14, 2005.  
Effective November 18, 2005.

**Ord. No. 2087-05.**  
**By Council Member Coats.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the House that Wisdom Built for the Hunger Food Program through the use of Ward 10 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 House that Wisdom Built for the Hunger Food Program for the public purpose of providing warm meals and food for needy Cleveland residents through the use of Ward 10 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$12,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 14, 2005.  
Effective November 18, 2005.

**Ord. No. 2088-05.**

**By Council Member Johnson.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation for the Food Program for Needy Residents through the use of Ward 4 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 Buckeye Area Development Corporation for the Food Program for Needy Residents for the public purpose of providing a food assistance program for low to moderate income Cleveland residents through the use of Ward 4 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$24,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 14, 2005.  
Effective November 18, 2005.

**Ord. No. 2089-05.**  
**By Council Member Dolan.**  
**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Clerac, Incorporated for the Enterprise Rent-A-Car Relocation Project through the use of Ward 21 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an agreement with Clerac, Incorporated for the Enterprise Rent-A-Car Relocation Project for the public purpose of creating new jobs and retaining existing jobs through the use of Ward 21 Neighborhood Equity Funds.

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

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



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

Passed November 14, 2005.  
Effective November 18, 2005.

**Ord. No. 2090-05.**  
**By Council Member Brady.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation for the Residential Home Repair Rebate Program through the use of Ward 19 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 amend contract number 63312 with the Westown Community Development Corporation in the

amount of \$25,000 for the Residential Home Repair Rebate Program for the public purpose of providing home repair assistance to Cleveland residents through the use of Ward 19 Neighborhood Equity.

**Section 2.** That the funds referred in Section 1, shall be paid from Fund No. 10 SF 166.

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

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

Passed November 14, 2005.  
Effective November 18, 2005.

**mittee:** Present in Utilities: Coats, Chair; Brady, Vice Chair; Knight, Kelley, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Cintron.

Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Westbrook. *Authorized Absence:* Brancatelli, Dolan, Lipovan Holan, Johnson. *Pro-tem:* Lewis, Conwell, Brady, Knight.

Present in Finance: Sweeney, Vice Chair; Reed, Brady, Cimperman, Westbrook, Coats, Conwell, White, Pierce Scott. *Authorized Absence:* Jackson, Chair; Britt. *Pro-tem:* Knight.

**Tuesday, November 22, 2005**  
**9:30 a.m.**

**Community and Economic Development Committee:** Present: Cimperman, Vice Chair; Coats, Brady, Lewis, Reed, Westbrook, Zone. *Authorized Absence:* Pierce Scott, Chair; Cintron.

**1:30 p.m.**

**Legislation Committee:** Present: White, Chair; Brancatelli, Westbrook. *Authorized Absence:* Pierce Scott, Vice Chair; Dolan, Lipovan Holan, Johnson. *Pro-tem:* Knight.

**COUNCIL COMMITTEE MEETINGS**

**Monday, November 21, 2005**  
**2:00 p.m.**

**Public Utilities Committee, Legislation Committee and Finance Com-**

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