

The City Record

Official Publication of the Council of the City of Cleveland



November the Twenty-Sixth, Two Thousand and Three

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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PRESORTED STANDARD
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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

- Debra M. Janik, Chief of Staff
- David M. McGuirk, Executive Assistant
- Timothy Mueller, Executive Assistant
- Craig Tame, Executive Assistant
- Henry Guzman, Director, Office of Equal Opportunity
- Margreat A. Jackson, Legislative Affairs Liaison
- Erik Janas, Inter-Governmental Affairs Officer
- Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Rm. 106
 Karen E. Martinez, Law Librarian, Room 100

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

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue

- DIVISIONS – 1201 Lakeside Avenue
- Cleveland Public Power – James F. Majer, Commissioner
- Street Lighting Bureau – _____, Acting Chief
- Utilities Fiscal Control – Dennis Nichols, Commissioner
- Water – Julius Ciaccia, Jr., Commissioner
- Water Pollution Control – Darnell Brown, 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 Weibusch, Commissioner, Room 517
- Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
- Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randell T. Scott, Commissioner, Room 25
- Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
- Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

- DIVISIONS: Air Quality – Commissioner
- Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
- Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
- Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – James A. Draper, Director, Room 230

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Linda M. Hudecek, 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 – Steven Sims, 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;

- Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, Eugene Cranford, Jr., Secretary.

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President;

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

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

- Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities

- Director Michael G. Konicek; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director;

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

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

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

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

- Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Leohr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

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

- Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

- Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Subodh Chandra; Chairman; Finance

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande,

- Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Weibusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Emanuella Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Trozzi	14A
Judge Joseph J. Zone	12A

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, NOVEMBER 26, 2003

No. 4694

CITY COUNCIL

MONDAY, NOVEMBER 24, 2003

The City Record

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 24, 2003

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

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

Also present were Chief of Staff Debra M. Janik and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, N. Ronayne, Hudecek, Williams, Routen, Fumich, Taylor, Sims, C. Ronayne, Johnson, and Guzman, Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Jesse Harris, Pastor of Tabernacle Baptist Church, located at 2042 West 26th Street in Ward 14. Pledge of Allegiance.

MOTION

On the motion of Council Member Lewis, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Zone.

COMMUNICATIONS

File No. 2366-03.

From Case Western Reserve University — copy of Case Magazine "You'll Know Us" Volume 16, & a copy of "Case In Point" news brief. Received.

File No. 2367-03.

From North Coast Community Homes — Home Page Developing, October 2003, Volume 7. Received

File No. 2368-03.

From the the Office of Equal Opportunity — Initial standards and procedures for the Fannie M. Lewis Residency Employment Law. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2369-03.

Re: New Application — 0222882 Ankroush, Inc., d.b.a. Gas USA Fulton, 3501 Lorain Avenue. (Ward 14). Received.

File No. 2370-03.

Re: New Application — 01616470015 — American Cash, Inc., d.b.a. American Cash Exchange, 14039 Lorain Avenue. (Ward 21). Received.

File No. 2371-03.

Re: New Application — 8699981 — Super Drive Thru, Inc., 11625 Superior Avenue. (Ward 9). Received.

File No. 2372-03.

Re: Transfer of Ownership Application — 6549257 — 15024 Puritas Avenue, Inc., d.b.a. Slim & Chubby's Bar & Grille, 15024 Puritas Avenue. (Ward 20). Received.

File No. 2373-03.

Re: Transfer of Ownership Application — 9324250 — W. W. 152, Inc., d.b.a. Five Points Family Foods, 1010 East 152nd Street. (Ward 10). Received.

STATEMENT OF WORK ACCEPTED

File No. 2374-03.

From the Department of Parks, Recreation and Properties — Contract No. 60585, Clark Commons Site Improvements. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2375-03—Joseph H. Blackwell, Esq.

Res. No. 2376-03—Lillian M. Boulware.

Res. No. 2377-03—Mary A. Conway.
Res. No. 2378-03—Doris Farrow.
Res. No. 2379-03—Benny Jones.
Res. No. 2380-03—Gus Petelinkar.

CONGRATULATION RESOLUTIONS

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

Res. No. 2381-03—Jerome "Jerry" Spevack.
Res. No. 2382-03 — Dr. E. Louis Overstreet.
Res. No. 2383-03—Jessica Roberts.
Res. No. 2384-03 — Michael E. Smith.
Res. No. 2385-03—Fred Isenstadt.
Res. No. 2386-03 — Deborah McHamm.
Res. No. 2387-03—Ella Mae Johnson.
Res. No. 2388-03 — John Paul Tazer.
Res. No. 2389-03 — Dr. Joy A. Jordan.
Res. No. 2390-03—David Swift.
Res. No. 2391-03—Michael Clark.

RECOGNITION RESOLUTION

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

Res. No. 2392-03—The O'Jays.
Res. No. 2393-03 — Commander Michael McGrath.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2302-03.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to acquire one or more Kronos software licenses for a citywide time and attendance system; authorizing the Director to employ consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for installing, designing, training, implementing, testing, maintenance, technical support, and other related time and attendance system issues; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the Kronos system, including maintenance, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire one or more Kronos software licenses for a citywide time and attendance system, and for installing, designing, training, implementing, testing, for maintenance, technical support, and other

related time and attendance system issues for a period of five years, and other professional services necessary to implement the system, for the Department of Finance.

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

Section 2. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of five years of the necessary items of hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the Kronos time and attendance system, including maintenance for a period of five years, 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 3. That the costs of the contract or contracts be paid from Fund No. 11 SF 006 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 146201)

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. 2304-03.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 178-03, passed May 12, 2003, relating to a contract for youth ski lessons for the 2004 ski season, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the title and Section 1 of Ordinance No. 178-03, passed May 12, 2003 are amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with **Sycamore Lake, Inc. dba Alpine Valley Inc.** to provide youth ski lessons for the 2004 ski season, for the Division of Recreation, Department of Parks, Recreation and Properties.

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into contract with **Sycamore Lake, Inc. dba Alpine Valley Inc.** to provide youth ski lessons for the 2004 ski season, in the total sum of **\$22,240.00**, payable from Fund No. 01-700401-638000, Request No. 118455.

Section 2. That the existing title and Section 1 of Ordinance No. 178-03, passed May 12, 2003 are repealed.

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

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

Ord. No. 2305-03.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Concession Agreement with Abitibi Consolidated for operating a recycling program at various City recreation centers, for a period of not to exceed three years.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is authorized to enter into a Concession Agreement ("Agreement") with Abitibi Consolidated to place recycling bins outside various City recreation centers as part of a paper-recycling program for City residents, for a period not to exceed three years.

Section 2. The Agreement shall provide that Abitibi Consolidated shall pay the City a monthly concession fee in accordance with the following fee schedule for paper collected at each recreation center:

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

Section 3. That the Agreement shall be prepared by the Director of Law and shall contain additional

terms and conditions as the Director of Parks, Recreation and Properties deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2306-03.

By Council Member Johnson.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to purchase property for a storage facility at 2580 East 93rd Street and authorizing the Director of Parks, Recreation and Properties to enter into a management agreement with Buckeye Area Development Corporation for this property.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to purchase the following described property for a storage facility:

2580 East 93rd Street
Cleveland, Ohio 44104
Parcel No. 126-08-022.

Section 2. That the Director of Parks, Recreation and Properties is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to employ and pay all fees for title companies, surveys, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall be an amount not to exceed \$55,000.00.

Section 4. That all acquisition costs shall be paid from Fund No. 10 SF 166.

Section 5. That the Director of Parks, Recreation and Properties is authorized to enter into a management agreement with Buckeye Area Development Corporation for the property acquired under Section 1. The Director of Law shall prepare the management agreement and shall include such additional terms and conditions as are necessary to protect the City's interests.

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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 2308-03.

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning and cement mortar lining of various distribution water mains in the City of Cleveland, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, and from the funds and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds, Request No. 143049.

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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2309-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Casnet for maintenance and support of Hyland software for the OnBase document management system 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 enter into one or more contracts with Casnet for professional services necessary for maintenance and support of Hyland software for the OnBase document management system on the basis of its proposal dated September 9, 2003, in the total sum of \$180,808.00, for the Department of Public Utilities, for a period of two years. The contracts or contracts shall be paid from Fund No. 52 SF 001, Request No. 131524.

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

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

Ord. No. 2310-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair low-pressure steam boiler systems and appurtenances at facilities, for the Division of Water, Department of Public Utilities, for a two 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials needed to repair low-pressure steam boiler systems and appurtenances at facilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of 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 131982)

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

Section 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2311-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair or replace water mains and appurtenances, for the Division of Water, Department of Public Utilities, for a two 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials needed to repair or replace water mains and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of 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 143051)

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

Section 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2312-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair or replace roofs and appurtenances, for the Division of Water, Department of Public Utilities, for a two 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials needed to repair or replace roofs and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of 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 143048)

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

Section 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2313-03.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design a mobile unit to dechlorinate, reduce turbidity, collect solids, measure and log residual chlorine and turbidity levels of discharges from storage tanks, hydrants, treatment plants, or any other locations where chlorinated water is discharged; and authorizing the purchase by one or more contracts of labor and materials necessary to assemble, install, and test the mobile dechlorination unit, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design a mobile unit to dechlorinate, reduce turbidity, collect solids, measure and log residual chlorine and turbidity levels of discharges from storage tanks, hydrants, treatment plants, or any other locations where chlorinated water is discharged.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation

to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to assemble, install, and test the mobile dechlorination unit, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

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

Section 4. That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, and from the fund or subfunds which are credited the proceeds of the sale of future waterworks revenue bonds, Request No. 143047.

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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2314-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, for a two 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of hauling and disposal of water treatment plant residuals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of 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 143052)

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

Section 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2315-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Datamatic, Ltd. for the purchase of a pilot program for the automatic meter readings firefly system for all commercial accounts in the Cities of Beachwood and Brunswick, including equipment and installation, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Datamatic, Ltd. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Datamatic, Ltd., for the purchase of a pilot program for the automatic meter readings firefly system for all commercial accounts in the Cities of Beachwood and Brunswick, including equipment and installation necessary to operate the system in those cities, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, and from the funds and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds, Request No. 143046.

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. 2316-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for analysis, identification, storage, remediation, transportation, recycling, and disposal of various chemicals, products, and other hazardous and non-hazardous recyclable waste, for the Division of Water, Department of Public Utilities, for a two 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary for analysis, identification, storage, remediation, transportation, recycling, and disposal of various chemicals, products, and other hazardous and non-hazardous recyclable waste, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of 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 143055)

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

Section 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2317-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical and water system maintenance equipment, electrical supplies, and appurtenances, for the Division of Water, Department of Public Utilities, for a two 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of electrical and water system maintenance equipment, electrical supplies, and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of 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 131983)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign

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

Section 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2319-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to provide various customer services to low income home owners or for rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with Cleveland Housing Network to provide various customer services to low income home owners or for rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of the agreement or agreements authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. 143053.

Section 3. That the agreement or agreements shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director of Public Utilities deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2320-03.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2004 Caribbean Gang Task Force Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$72,230, from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency to conduct the 2004 Caribbean Gang Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2320-03-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$24,077, payable from Fund Nos. 10 SF 027 and 10 SF 049, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

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

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

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

Ord. No. 2321-03.

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 Cuyahoga county Juvenile Court for the 2004 Juvenile Community Diversion Program; and to enter into one or more agreements with a Partnership for a Safer Cleveland 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 \$20,000, from the Cuyahoga County Juvenile Court to conduct the 2004 Juvenile Community Diversion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2321-03-A, made a part of this ordinance as if fully rewritten is approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter into one or more agreements with Partnership for a Safer Cleveland in the amount of \$15,000 to implement the program, payable from the proceeds of the fund or funds which are credited under this ordinance.

Section 4. 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 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2322-03.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2004 Byrne Memorial Grant, Cleveland Team Approach to Domestic Violence 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 \$20,513, from the Ohio Office of Criminal Justice Services

through the County Criminal Justice Services Agency to conduct the 2004 Byrne Memorial Grant, Cleveland Team Approach to Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2322-03-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$20,513, payable from Fund Nos. 01-600201-639905, 10 SF 025, and 10 SF 027, is approved in all respects.

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

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

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

Ord. No. 2323-03.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the Byrne Memorial Grant, 2004 Homeland Security Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$107,897, from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency to conduct the Byrne Memorial Grant, 2004 Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2323-03-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$35,966, payable from Fund Nos. 10 SF 025 and 10 SF 027, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the

Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 5. That 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 6. 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 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2324-03.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with 2900 Detroit, Ltd. to provide for a ten-year, sixty-five percent tax abatement for certain tangible real property improvements to assist with the construction and renovation of the former Van Roy Coffee Building at 2900 Detroit Avenue in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, 2900 Detroit, Ltd. (the "Enterprise") has proposed new construction and renovation of the former Van Roy Coffee Building at 2900 Detroit Avenue in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on certain tangible real property improvements were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty-five percent (65%) tax abatement for certain tangible real property improvements; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 2324-03-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the Director deems necessary to protect the City's interest.

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

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

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

Ord. No. 2325-03.

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

An emergency ordinance to amend the title and the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, relating to an Enterprise Zone Agreement with Gebauer Company.

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

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

Section 1. That the title and the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with **Avenir Properties, LLC**, to provide for a ten year seventy-five percent tax abatement for certain tangible personal property and real property as an incentive to assist with the company's development of a new manufacturing and distribution facility at the Ashland Oil property located at East 146th Street and Velma Avenue in the Cleveland Area Enterprise Zone.

Whereas, **Avenir Properties, LLC** (the "Enterprise") has proposed to develop a new manufacturing and distribution facility at the Ashland Oil property located at East 146th Street and Velma Avenue in the Cleveland Area Enterprise Zone; and

Section 2. That the existing title and the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, are repealed.

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

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

Ord. No. 2326-03.

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

An emergency ordinance to amend Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, relating to the design of the FAA TRACON Renovation at Cleveland Hopkins International Airport.

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

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

Section 1. That Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, is amended to read as follows:

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants 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 Improvement described in Section 2 hereof, including:

(1) Design of FAA TRACON Renovation, in an amount not to exceed **\$380,276.82**;

(2) Design of NASA Facilities and Relocation, in an amount not to exceed \$20,335,402.00; and

(3) Design of Doan Brook, in an amount not to exceed \$600,000.00.

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

Section 2. That existing Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, 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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 2327-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and replace interior plants and exterior site landscaping, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to maintain and replace interior plants and exterior site landscaping in the approximate

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later 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 139916)

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. 2328-03.

By Council Member.

An emergency ordinance authorizing the Director of Port Control to employ one or more surveyors and consultants or one or more firms of surveyors and consultants to provide professional services necessary to survey various parcels or portions of parcels of land and for quality assurance services.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more surveyors or one or more firms of surveyors 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 survey various parcels or portions of parcels of land under the jurisdiction and control of the various divisions of the Department of Port Control, as directed by the Director of Port Control, for a term not to exceed one year.

Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more

consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform construction quality assurance services, including testing and inspection necessary for airport construction projects as directed by the Director of Port Control, for a term not to exceed one year.

Section 3. The selection of the surveyors and consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified surveyors and consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 4. That the cost of contract or contracts authorized shall not exceed \$200,000 and shall be paid from Fund No. 60 SF 001, Request No. 139918.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 2329-03.

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances necessary to provide a completed project; and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances necessary to provide a completed project, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible

bidder or bidders on a unit basis for the improvement.

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

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 166, 14 SF 026, 14 SF 028, 14 SF 029, 10 SF 057, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 138369)

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. 2330-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating West 105th Street between Lorain Avenue and Bellaire Road; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating West 105th Street between Lorain Avenue and Bellaire Road, 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 cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 445, 52 F 001, 54 SF 001, and 58 SF 001, Request No. 138366.

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. 2331-03.

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing the Adelbert Road Bridge.

Whereas, in Ordinance No. 2025-87, passed November 30, 1987, this Council gave consent to the Director of Transportation, State of Ohio for rehabilitating and reconstructing the Adelbert Road Bridge; and

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

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

Section 1. That this Council authorizes payment to the State of Ohio for the City's share of the cost of rehabilitating and reconstructing the Adelbert Road Bridge over CSX Transportation, Norfolk Southern Railroad, and GCRTA, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request No. 138356.

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

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

Ord. No. 2332-03.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Belvoir Boulevard between Euclid Avenue and the South Euclid corporation line; authorizing the Director of Public Service to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment of the City's share to the Cuyahoga County Commissioners for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Cuyahoga County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: The rehabilitation of Belvoir Boulevard between Euclid Avenue and the South Euclid corporation line (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement less any fund administered by the Ohio Public Works Commission which are used for the Improvement, and less the County's portion of the cost of the Improvement. In addition, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the County not to be eligible or made necessary by the Improvement.

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

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

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

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

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

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

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. (a) That all existing streets and public rights-of-way in the City which are necessary for the

Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) in the limits of the Improvement under the applicable sections of the Ohio Revised Code.

(d) That the street in the limits of the Improvement is designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

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

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that the rearrangements shall be done at the time requested by the County.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive 28-A, to the same extent that it participates in the other costs of the Improvement, provided that the participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by the utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

(i) That the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions (a), (b), (c), (d), (e), (f), and (h) of this section.

(j) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants of a "Four-way Stop" as provided in the Manual are met.

(k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by

the Ohio Revised Code to use a public highway. Any existing rule or regulation restricting road use is rescinded.

Section 6. That the Council of the City requests the County to proceed with the Improvement.

Section 7. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement which agreement shall contain without limitation terms substantially similar to the following:

(a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

(b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division (a) of this section and make the inspection of the completed project.

(c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

(d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

(e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the appropriate funds.

(f) That within the corporate limits of the City, the City agrees to contribute twenty percent (20%) of the costs of construction, construction supervision, right-of-way, and incidentals and forty percent (40%) of the cost of preparation of plans and specifications. That the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or the Director of Public Service is authorized to enter into escrow agreement with the Board of County Commissioners prior to an award of a contract for the improvement.

Section 8. That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into agreements with the County necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply

to County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept funds and to file all papers and execute all documents necessary to receive funds; and that the funds are appropriated for the purposes identified in this ordinance.

Section 10. That this Council authorizes payment to the County of the City's share of the Improvement from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request No. 138347.

Section 11. That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on effective date and it shall become the basis for proceeding with the Improvement.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2333-03.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating Euclid Avenue between the East Cleveland corporation line and the Euclid corporation line; 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 to enter into a Local Project Administration Agreement with the Ohio Department of Transportation regarding the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating Euclid Avenue between the East Cleveland corporation line and the Euclid corporation line, 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 enter into a Local Project Administration Agreement with the Director of Transportation necessary to fund and construct the improvement.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 443, 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of funds received under the Local Project Administration agreement, Request No. 138364.

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. 2334-03.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating Grayton Road between Puritas Avenue and the I-480 bridge; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating Grayton Road between Puritas Avenue and the I-480 bridge, 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 cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 444, 52 SF 001, 54 SF 001, and 58 SF 001, Request No. 138367.

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. 2335-03.

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

An emergency ordinance to amend Section 13 of Ordinance No. 1655-99, passed November 29, 1999, relating to the construction of Bessemer Avenue Extension Phase I.

Whereas, this ordinance constitutes an emergency measure providing for 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 13 of Ordinance No. 1655-99, passed November 29, 1999, is amended to read as follows:

Section 13. That the cost of the Improvement, professional services, and property acquisition contemplated shall be paid from fund Nos. 20 SF 364, **20 SF 373, 20 SF 380, 20**

SF 383, and 20 SF 394, Request Nos. 4304 and 138339.

Section 2. That existing Section 13 of Ordinance No. 1655-99, passed November 29, 1999, is repealed.

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

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

Ord. No. 2336-03.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1901-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge, Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge, and the West 74th Street Bridge.

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

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

Section 1. That Section 1 of Ordinance No. 1901-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, is amended to read as follows:

Section 1. That this Council authorizes payment to the State of Ohio and the County of Cuyahoga of the City's share of the cost of rehabilitating and reconstructing West 53rd Street Bridge over N/S and RTA, Denison Avenue Bridge over Conrail and N/S, Harvard Avenue Bridge over Wheeling & Lake Erie, West 65th Street Bridge over N/S and RTA, and the West 74th Street Bridge from Fund Nos. 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 353, **20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 52 SF 001, and 58 SF 223, Request Nos. 21947 and 138355.**

Section 2. That Section 1 of Ordinance No. 1901-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, 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 Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 2337-03.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 60592, for construction of the new apparatus addition at Fire Station #39 and alterations to existing building, with Schirmer Construction Co., 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. That the Director of Public Service is authorized to make the following alterations and modifications in contract No. 60592 with Schirmer Construction Co. for construction of the new apparatus addition at Fire Station #39 and alterations to existing building, for the Department of Public Service:

Subsidiary Additions

Unsuitable Sub-grade soil: The area from column line 1 to the western perimeter of the existing basement (Column 3 line) was observed to contain organic material, conduits, a cistern, and unsuitable compacted backfill material. The cost to remove, dispose, purchase, place, and compact is as listed below.

Labor:

Foreman:	72 hrs @ \$40.37 =	\$	2,906.64
Operator:	72 hrs @ \$47.20 =	\$	3,398.40
Superintendent:	72 hrs @ \$50.00 =	\$	3,600.00

Material:

Clay directly under footer column line A -			
Concrete backfill used.			
Concrete:	15 cy @ \$57.50/cy	\$	862.50
No. 8 Gravel:	824 tons x \$12.50/ton	\$	10,300.00
No. 304 limestone:	145 tons x \$12.50/ton	\$	1,812.50

Equipment:

Cat 320 hydraulic excavator:			
	72 hours @ \$60/hr =	\$	4,320.00
Bob Cat 773			
	72 hours @ \$31/hr =	\$	2,232.00

Dual Drum Vibratory Roller		
40 hours @ \$40/hr =	\$	1,600.00
Mini-Excavator 331		
36 hours @ \$40/hr	\$	1,440.00
Plate Tamper		
48 hours @ \$15/hr	\$	720.00
Trucking:		
Semi's 3 trucks x 3 days		
x 8 hrs/day x \$68/hr	\$	4,896.00
(MBE Firm - Granger Trucking)		
Dump Fees:		
Harvard Refuse: 969 tons x 1 cy/1.5 tons		
= 646 cy x \$6.50/cy	\$	<u>4,199.00</u>
Total Unsuitable Sub-grade Soil	\$	41,567.04

Waterline: With the actual location and size of the existing waterline not as indicated on the drawings, it was necessary to excavate to Lorain Avenue to locate where the waterline diameter had been reduced and to re-locate the line from not being directly under the proposed concrete foundations.

Labor:		
Labor Foreman:	18 hrs @ \$40.37 =	\$ 726.66
Labor:	18 hrs @ \$39.87	\$ 717.66
Operator:	18 hrs @ \$47.20 =	\$ 849.60
Plumber:	14 hrs @ \$60/hr	\$ 840.00
(MBE - Liberty Enterprise)		
Superintendent:	18 hrs @ \$50.00 =	\$ 900.00
Material:		
1 1/2" Type K Copper Line: 100 lf @ \$1.00/lf	\$	100.00
Brass Compression Fittings:		
8 ea @ \$15/ea	\$	120.00
Values 2 ea @ \$75/ea	\$	150.00
No. 8 limestone, 150 tons @ \$12.50	\$	1,875.00
(MBE - Liberty Enterprise and Granger Trucking)		
Equipment:		
Cat 320 hydraulic excavator		
4 hours @ \$60/hr =	\$	240.00
Bob Cat 773 12 hours @ \$31/hr =	\$	372.00
331 Mini-excavator, 16 hours @ \$31/hr	\$	496.00
Dual Drum Vibratory Roller		
4 hours @ \$25/hr	\$	<u>100.00</u>
Total Water-Line	\$	<u>7,486.92</u>
Total Subsidiary Additions	\$	49,053.96
Original Contract Amount	\$	1,547,000.00
Total Subsidiary Additions		<u>+ 49,053.96</u>
Revised Contract Amount	\$	1,596,053.96

which alteration has been recommended in writing by the Director of Public Service, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$49,053.96, payable from Fund Nos. 20 SF 331, 20 SF 340, 20 SF 362, and 20 SF 371.

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

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

Ord. No. 2338-03.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1245-92, passed June 15, 1992, relating to a cause payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing the W 44th Street Bridge.

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

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

Section 1. That Section 1 of Ordinance No. 1245-92, passed June 15, 1992, is amended to read as follows:

Section 1. That this Council authorizes payment to the State of Ohio of the City's share of the cost of the rehabilitation and reconstruction of the West 44th Street Bridge over Greater Cleveland Regional Transit Authority and Norfolk and Western Railway Company from Fund Nos. 20 SF 181, 20 SF 190, 20 SF 302, **20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request Nos. 14320 and 138360.**

Section 2. That existing Section 1 of Ordinance No. 1245-92, passed June 15, 1992, is repealed.

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

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

Ord. No. 2339-03.

By Council Member Johnson.

An emergency ordinance to amend Section 241.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2163-01, passed May 20, 2002, relating to food shop waste.

Whereas, this ordinance constitutes an emergency measure providing for 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 241.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2163-01, passed May 20, 2002, is hereby amended to read as follows:

Section 241.15 Waste

All food shop wastes, whether liquid or solid, combustible or non-combustible, whether inside or outside the shop, shall be kept in such a manner as not to become a nuisance. All stored garbage and rubbish shall be kept in suitable, tightly covered containers.

All food shops providing take out and/or drive thru services shall provide waste containers on the outside

of the food shop for the proper disposal of paper products and food items. Each food shop providing take out and/or drive thru services shall provide a minimum of five (5) waste containers on the outside of the food shop to be located as follows: two (2) waste containers on each side of the food shop and one (1) waste container located on the back of the food shop. The food shop shall regularly dispose of the trash in the waste containers in order to eliminate any health hazard.

Section 2. That existing Section 241.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2163-01, passed May 20, 2002, is hereby repealed.

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

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

Ord. No. 2360-03.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Naples, Florida and Lincoln Avenues to Amistad Development Corporation or designee.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 142-25-125, 142-27-069 and 142-27-153, as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 142-25-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 163 in Bella Villa Allotment of part of Original Warrensville Township Lot. No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Northerly side of Naples Avenue, S.E. and extending back of equal width, 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 142-27-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 240 in Bella Villa Allotment of a part of Original Warrensville Township Lot No. 104 as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Florida Avenue, S.E., and extending back between lines 100 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. 142-27-153

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 50.00 feet of Sublot Nos. 329 and 330 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 50.00 feet front on the Westerly side of East 153rd Street and extending back of equal width 60 feet deep, 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. 2361-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Velina L. Mainor.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-009, 118-05-010 and 118-05-045 (Southeasterly part), as more fully described below, to Velina L. Mainor.

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

P. P. No. 118-05-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in the Stevens and Cass Re-Subdivision of part of the Johnson, Bates and Stone Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat of said Re-Subdivision in Volume 15 of Maps, Page 12 of Cuyahoga County Records. Said Sublot No. 36 has a frontage of 40 feet on the Southerly side of Hough Avenue, N.E. and extends back between parallel lines 125 feet, appears by said plat.

P. P. No. 118-05-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 95 feet of Sublot No. 35 in Stevens and Cass Subdivision of part of Original One Hundred Acre Lot Nos. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Hough Avenue, N.E., and extending back of equal width 95 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-05-045

(Southeasterly part)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 35 in Stevens and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Hough Avenue, N.E. (66 feet wide) at the Northwesterly corner of said Sublot No. 35; thence Southerly, along the Westerly line of said Sublot No. 35, about 85.00 feet to a point therein and the principal place of beginning of the parcel of land herein intended to be described; thence continuing along said Westerly line of Sublot No. 35, 30.00 feet to the Southwesterly corner thereof; thence Easterly, along the Southerly line of said Sublot No. 35, 40.00 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 35, 30.00 feet to a point therein; thence Westerly along a line parallel with the Southerly line of said Hough Avenue, N.E., 40.00 feet to the principal place of beginning, 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. 2362-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 66th Street to Tamara D. McCrimon.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-14-104, as more fully described below, to Tamara D. McCrimon.

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

P. P. No. 106-14-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 47 and 49 in Samuel B. Strang's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 66th Street, at the Northeast corner of land conveyed to Eileen H. Welch by deed dated December 31, 1954 and recorded in

Volume 8264, Page 355 of Cuyahoga County Records; thence Northerly along the Westerly line of East 66th Street, 12 feet to the Southeastly corner of land entitled Parcel B in the deed to Keystone Mortgage Corporation by deed dated January 1, 1959 and recorded in Volume 9717, Page 182 of Cuyahoga County Records; thence Westerly along a Southerly line of land so conveyed to Keystone Mortgage Corporation, 50 feet to an angle; thence Southerly along a Westerly line of land so conveyed, 12 feet to an angle; thence Easterly along the Northerly line of land so conveyed, 50 feet to the place of beginning, 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. 2364-03.

By Council Member Cimperman.
An emergency ordinance designating Tremont School as a Cleveland landmark.

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the

designation of Tremont School as a landmark; and

Whereas, a public hearing pursuant to Chapter 161.04 (b)(2) was held on November 13, 2003 to discuss the proposed designation of Tremont School as a landmark; and

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

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

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

Section 1. That Tremont School, whose street address in the City of Cleveland is 2409 West 10th Street, S. W., also known as Cuyahoga County Auditor's permanent parcel number 004-14-001 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 City Planning Commission, Law; Committee on City Planning.

Ord. No. 2365-03.

By Council Member Cimperman.
An emergency ordinance designating Stanard School as Cleveland Landmark.

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Stanard School as a landmark; and

Whereas, a public hearing pursuant to Chapter 161.04 (b)(2) was held on November 13, 2003 to discuss the proposed designation of Stanard School as a landmark; and

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health,

and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That Stanard School, whose street address in the City of Cleveland is 5360 Stanard Avenue, N. E., also known as Cuyahoga County Auditor's permanent parcel number 104-11-074 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 City Planning Commission, Law; Committee on City Planning.

Ord. No. 2394-03.

By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Burten, Bell, Carr Development, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-003 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 66 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot No. 66 has a frontage of 40 feet on the Southerly side of Cedar Avenue, S.E. and extends back between parallel lines 132 feet to the Northerly line of Rose Court, S.E. in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-038 as more fully described below to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly one-half of Sublot No. 19 in William William's Allotment of part of Original Ten Acre Lots Nos. 67 to 70, both inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., (formerly Garden Street) 63 feet wide at the Southwesterly corner of land conveyed to Fredrick Naumann, by deed dated August 27, 1864, and recorded in Volume 129, Page 203 of Cuyahoga County Records; thence Westerly along the Northerly line of Central Avenue, S.E., 25 feet, 6 inches to the Southwesterly corner of Sublot No. 19; thence Northerly along the Westerly line of said Sublot No. 19, 128 feet, 9 inches to the Northwesterly corner of said Sublot No. 19; thence Easterly along the Northerly line of said Sublot No. 19, to the Northwesterly corner of land so conveyed to Frederick Nauman; thence Southerly along the Westerly line of land so conveyed to Frederick Nauman, to the place of beginning, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-049 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-049

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

Ohio, and known as being Sublot No. 83 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 36th Street (formerly Rigby Street) and extending back 120 feet on the Northerly line, 122 feet - inch on the Southerly broken line and having a rear line of 49 feet 11 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-050 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 36th Street and extending back of equal width, 120 feet deep, be the same more less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-069 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 106 in the Horace P. Weddell's Subdivision of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot has a frontage of 30 feet front on the Westerly side of East 37th Street as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-077 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

nance is more fully described as follows:

P. P. No. 103-022-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 and the North 10 feet from front to rear of Sublot No. 96 in H.P. Weddell's Subdivision of a part of Original Ten Acre Lots Nos. 64, 65 and 66 in said City. Said Sublot No. 97 and the part of Sublot No. 96 have a frontage of 50 feet on the West side of East 37th Street and extends back of equal width 117-11/12 feet deep according to the plat of said Subdivision recorded in Volume 2 of Maps, Page 30 of Cuyahoga County Records, be the same more or less, but subject to all legal highways. Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-091 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 6 in Taylor and Hoyt's Subdivision of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and bounded and described as follows:

Commencing at a point on the Westerly line of said Sublot No. 6, five feet Northerly from the Southwesterly corner of same, thence in an Easterly direction parallel to the Southerly side of said lot and five feet distant Northerly therefrom to the Easterly end of said lot, said point being five feet Northerly therefrom to the Southeasterly corner of said lot; thence in a Northerly direction 25 feet to a point in said Easterly line 30 feet Northerly from the Southeasterly corner of said lot; thence in a Westerly direction parallel to the Southerly line of said Sublot No. 30 feet distant Northerly from said Southerly line of Sublot No. 6 to East 37th Street (formerly Forest Street) thence Southerly along the Easterly line of East 37th Street (formerly Forest Street) 25 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-093 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

nance is more fully described as follows:

P. P. No. 103-22-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet of Sublot No. 7 in Taylor and Hoyt's Subdivision of a part of Original One Hundred Acre Lot No. 66 in said city. Said part of said Sublot No. 7 has a frontage of 25 feet on East 37th Street, (formerly Forest Street), and extends back of equal width 73-5/12 feet deep, as per plat of said Subdivision recorded in Volume 2 of Maps, Page 34 of Cuyahoga County Records, be the same more less, but subject to all legal highways. Also subject to all zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-094 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 8 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 37th Street at the Southwesterly corner of said Sublot No. 8; thence Northerly 30 feet along the said Easterly line of East 37th Street to a point; thence Easterly 73.42 feet parallel to the Northerly line of said Sublot No. 8 to a point in the Easterly line thereof; thence Southerly 30 feet along the Easterly line of said Sublot No. 8 to the Southeasterly corner thereof; thence Westerly 73.42 feet along the Southerly line of said Sublot No. 8 to the place of beginning, be the same more or less, but subject to all legal highways.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-095 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 8 and 9 in Taylor and Hoyt's Allotment of part of Original

Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, ad bounded and described as follows:

Beginning on the Easterly line of East 37th Street at a point distant Northerly 30 feet from the Southwesterly corner of Sublot No. 8, thence Northerly 24 50/100 feet along the said Easterly line of East 37th Street to a point distant 25 50/100 feet from the Northwesterly corner of said Sublot No. 9, thence Easterly 73 42/100 feet parallel with the Northerly line of said Sublot No. 9 to a point to the Easterly line thereof; thence Southerly 24 50/100 feet along the Easterly line of said Sublot Nos. 9 and 8 to a point thence Westerly 73 42/100 feet parallel with the Northerly line of said Sublot No. 8 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-101 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 13 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly side of East 37th Street at a point distant Northerly 26.53 feet from the Southwesterly corner of said Sublot No. 12; thence Northerly 26.80 feet along the said Easterly line of East 37th Street to a point; thence Easterly 73.42 feet parallel with the Southerly line of said Sublot No.13 to a point in the Easterly line thereof; thence Southerly 26.80 feet along the Easterly line of said Sublot Nos. 12 and 13 to a point; thence Westerly 73.42 feet parallel with the Southerly line of said Sublot No. 13 to the place of beginning, be the same more less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-103 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.14 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 37th Street (formerly Wheat Street), and extending back of equal width 73 feet, 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 25. That 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. 103-22-122 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 26. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 10 and 11 in William Williams Subdivision of part of Original Ten Acre Lot Nos. 67, 68 and 69, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 38th Street (formerly William Street) at the Northeasterly corner of land conveyed to James S. Walker and Dorothy Walker by deed, dated August 1, 1941, and recorded in Volume 5281, Page 424 of Cuyahoga County Records; thence Northerly, along the Westerly line of East 38th Street, 36.50 feet to the Southeasterly corner of land conveyed to Jackson W. Brown, by deed dated March 17, 1951, and recorded in Volume 5221, Page 308 of Cuyahoga County Records; thence Westerly, along the Southerly line of land conveyed to Jackson W. Brown, 150.50 feet to the Westerly line of said Sublot No. 10; thence Southerly along the Westerly line of Sublot Nos. 10 and 11, 36.50 feet to the Northwesterly corner of land conveyed to James S. Walker and Dorothy Walker by deed aforesaid; thence Easterly, along the Northerly line of land so conveyed to James S. Walker and Dorothy Walker 150.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 27. 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. 103-22-125 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 28. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 13 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning in the Westerly line of East 38th Street (formerly Williams Street) at a point 9 feet Southerly from the Northeast corner of said Sublot No. 13; thence Southerly along the Westerly line of East 38th Street, 41.01 feet to the Southeast corner said of Sublot No. 13, thence Westerly, 150.60 feet to the Southwest corner of said Sublot No. 13 thence Northerly along the Westerly line of said Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof; thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 29. 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. 103-22-157 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 30. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-157

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 14, in the William Williams Subdivision of Original Ten Acre Lot Nos. 67, 68 and 69 and part of 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of East 38th Street at a point distant Southerly measured along said Westerly line, 27 feet from the Northeast corner of said Sublot No. 14; thence Southerly, along the Westerly line of said East 38th Street, 3 feet; thence Westerly parallel with the Northerly line of said Sublot No. 14, 150.50 feet to the Westerly line of said Sublot No. 14; thence Northerly, along said Westerly line 30 feet to the Northwesterly corner of said Sublot No. 14, thence Easterly, along the Northerly line of said Sublot No. 14, 76 feet to a point distant Westerly measured along said Northerly line, 74.50 feet from the Westerly line of said East 38th Street, thence Southerly parallel with the Westerly line of said 38th Street, 27 feet; thence Easterly parallel with the Northerly line of said Sublot No. 14,

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

Section 31. 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. 103-22-128 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 32. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of East 38th Street (formerly William Street) at the Southerly corner of land conveyed to Christian Sanger by deed dated September 5, 1967, and recorded in Volume 149, Page 487 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to Christian Sanger, 150 feet, 6 inches to the Westerly line of said Sublot No. 15; thence Southerly 27 feet; thence Easterly on a line parallel with the Southerly line of land so conveyed to Christian Sanger, 150 feet 6 inches to the Westerly line of East 38th Street, thence Northerly along the Westerly line of East 38th Street 27 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 33. 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. 103-22-166 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 34. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-166

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known and described as follows: Being parts of Sublot Nos. 12 and 13 in William W. Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 38th Street, at the Northeast corner of a parcel of land conveyed to Anderson White and Lucille White by deed dated

August 6, 1946 and recorded in Volume 6219, Page 272 of Cuyahoga County Records; thence Northerly along the Westerly line of East 38th Street, 6 feet to a point; thence Westerly parallel to the Southerly line of Sublot No. 12, 88 feet 6 inches to a point; thence Northerly parallel to the Westerly line of East 38th Street, 36 feet to the Southerly line of a parcel of land conveyed to Nellie M. Walker by deed dated October 17, 1927 and recorded in Volume 3726, Page 247 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed, 62 feet to the Southwest corner thereof; thence Southerly along the Southerly lines of Sublot Nos. 12 and 13, 42 feet to the Northwesterly corner of land conveyed to Anderson White and Lucille White as first aforesaid; thence Easterly along the Northerly line of land so conveyed, 150 feet 6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 35. 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 36. 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 37. 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 38. 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.

FIRST READING ORDINANCE REFERRED

Ord. No. 2340-03.

By Council Member Polensek.

An ordinance to change the zoning of properties in the Euclid Beach Park Subdivision north of Lake Shore Boulevard to the Shoreline of Lake Erie between East 164th and East 169th Streets from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area District to an "A" Area District (Map Change No. 2101, Sheet No. 7).

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

Section 1. That the Use and Area District of lands described as follows:

Beginning on the Centerline of Lake Shore Boulevard (80 feet wide) at its Intersection with the Southerly prolongation of the irregular Westerly line of a parcel of land conveyed to Euclid Beach L.P., a Texas Limited Partnership, by instrument dated December 19, 1997, recorded in Volume 97-13149, Page 45 of Cuyahoga County Records, and also known as P.P.N. 113-01-001;

Thence Northerly along said Southerly prolongation, the irregular Westerly line, and its Northerly prolongation to its Intersection with the Shoreline of Lake Erie;

Thence Northeasterly along said Shoreline of Lake Erie to its Intersection with the Northwesterly prolongation of the irregular Northeasterly line of P.P.N. 113-01-001, aforesaid;

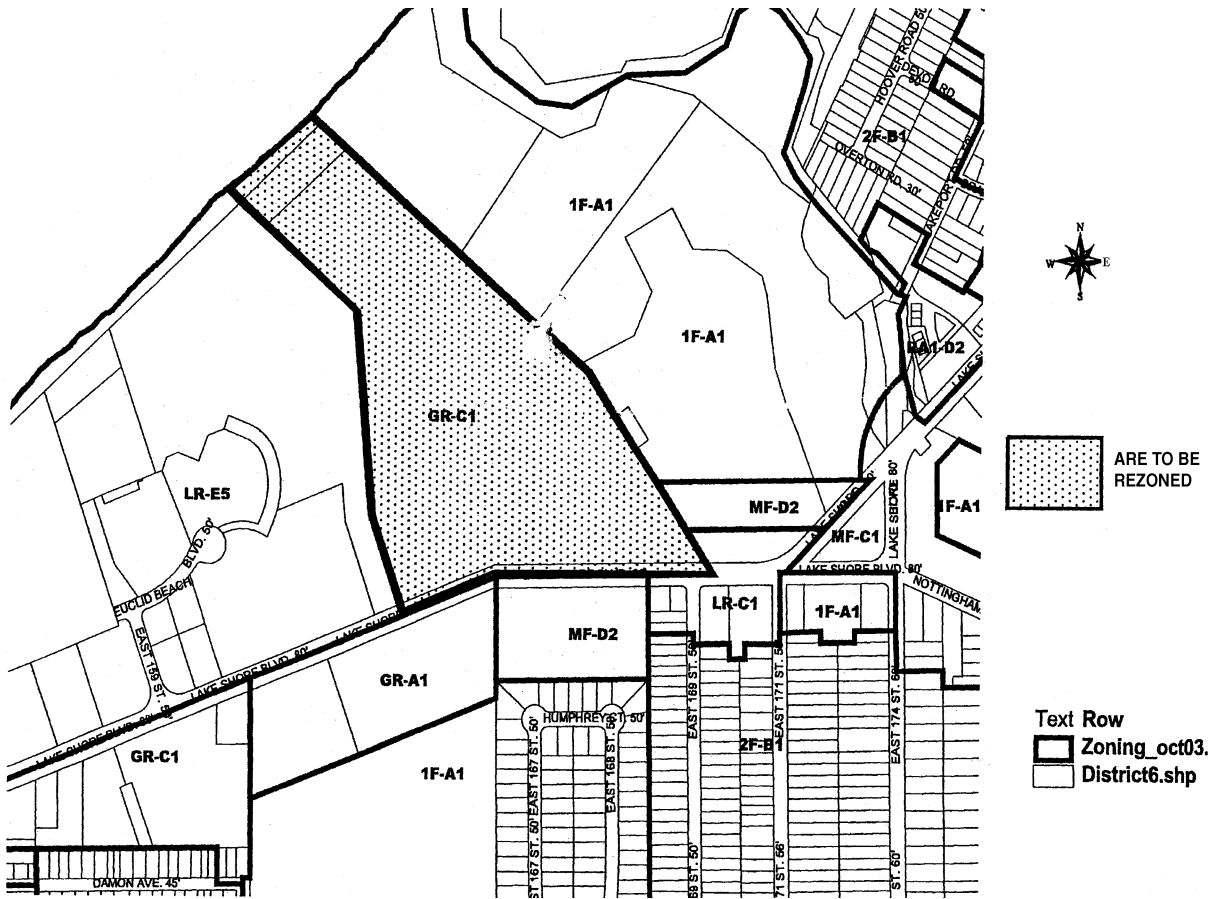
Thence Southeasterly along said Northwesterly prolongation, the irregular Northeasterly line, and its Southeasterly prolongation to its Intersection with the Centerline of Lake Shore Boulevard, aforesaid;

Thence Westerly along the Centerline of Lake Shore Boulevard to the place of beginning, and as outlined and shaded on the attached map is changed from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area to an "A" Area.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2101, Sheet No. 7, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Proposed rezoning of property located North of Lake Shore Boulevard, near the Euclid Beach Lakefront State Park from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area District to an "A" Area District (Map Change No. 2101, Sheet No. 7).



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

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

Ord. No. 2303-03.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend the title, Section 1, and Section 2 of Ordinance No. 892-03, passed June 11, 2003, relating to a contract for data entry services.

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

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

Section 1. That the title, Section 1, and Section 2 of Ordinance No. 892-03, passed June 11, 2003, are amended to read as follows:

An emergency ordinance authorizing the purchase by one or more requirement contracts of data entry services, for the Division of Taxation, Department of Finance.

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129369)

Section 2. That the existing title, Section 1, and Section 2 of Ordinance No. 892-03, passed June 11, 2003, are repealed.

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

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. 2307-03.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 2451-02, passed April 14, 2003, relating to replacing water mains and making various sewer repairs on the Euclid Corridor.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 2451-02, passed April 14, 2003, are amended to read as follows:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, the Council determines to make the public improvement of replacing water mains and making various sewer repairs on the Euclid Corridor, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, by one or more contracts let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

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

Section 2. That Sections 1 and 2 of Ordinance No. 2451-02, passed April 14, 2003, are repealed.

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

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. 2318-03.

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

An emergency ordinance authorizing the Director of Public Utilities to lease property from Penton Media, Inc. for office space located on the fourth floor of the Penton Media Building to provide office space for the Citywide GIS project and the Division of Water's ITS staff, and authorizing a lease with Standard Parking, Inc. for the lease of parking spaces, for terms of three years each, with one option to renew for an additional one-year consecutive term; and authorizing the purchase by one or more requirement contracts of equipment, supplies, services, moving expenses, and other items necessary to implement the project.

Whereas, the City of Cleveland requires certain property located on the fourth floor of the Penton Media Building, 1300 East 9th Street for the public purpose of providing office space for the Citywide GIS project and the Division of Water's ITS staff; and

Whereas, the City of Cleveland also requires certain parking areas for those employees; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to lease from Penton Media, Inc., certain property more fully described as follows: approximately 28,766 square feet of office space located on the fourth floor of the Penton Media Building at 1300 East 9th Street, Cleveland, Ohio.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to lease from Standard Parking, Inc., or its successor in interest, certain property more fully described as follows: approximately 48 parking spaces located at Standard Parking, Inc.'s parking facility at 1300 East 9th Street, Cleveland, Ohio.

Section 3. That the terms of the leases authorized in Sections 1 and 2 of this ordinance shall be for three years, with one (1) option exercisable by the Director of Public Utilities, to renew for an additional one-year consecutive term.

Section 4. That the rent for the leases authorized in Sections 1 and 2 of this ordinance shall not exceed \$1,582,130.00 and \$391,680.00 respectively, exclusive of utilities.

Section 5. That the lease described in Section 1 of this ordinance may authorize the City to make and/or reimburse Penton Media, Inc. or its designee for tenant improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing office space for the Citywide GIS project and the Division of Water's ITS staff.

Section 6. That the lease described in Section 1 of this ordinance may provide for the City's payment of appropriate utility and other operating costs of the leased premises and the Director of Public Utilities is authorized to pay for appropriate utility and other operating costs of the leased premises.

Section 7. That the Director of Public Utilities and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take other actions as may be necessary or appropriate to effect the leases authorized by Sections 1 and 2 of this ordinance.

Section 8. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years, with one (1) option exercisable by the Director of Public Utilities, to renew for an additional one-year consecutive term, of the necessary items of equipment, supplies, services, moving expenses, and other items necessary to implement the project, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 9. That the costs of the leases authorized in Sections 1 and 2 of this ordinance and the requirement contract or contracts shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, from the fund or funds which are credited the proceeds of the sale of future waterworks revenue bonds, and also 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 143088)

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.

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. 2341-03.

By Council Members Brady, Dolan, Polensek, O'Malley and Westbrook
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Loan Program through the use of Ward 11, 16, 18, 19, 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 Community Development is authorized to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Loan Program for the public purpose of providing affordable loans to Cleveland residents to promote the restoration and preservation of historic homes in the City of Cleveland through the use of Wards 11, 16, 18, 19, and 21 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$75,000 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. 2342-03.

By Council Member Conwell.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeast Neighborhood Development Corporation for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective October 1, 2003 to March 30, 2004 with the Northeast Neighborhood Development Corporation for the Ashbury Senior Computer Community Center Program for the public purpose of providing computer classes to Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,750 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. 2352-03.

By Council Member Jackson (by departmental request).

An emergency ordinance to make additional appropriations of Ten Million Dollars (\$10,000,000) of the General Fund, Ten Million Four Hundred Twenty Three Thousand Eight Hundred Seventeen Dollars (\$10,423,817) of the Special Revenue Funds and Four Hundred Thousand Dollars (\$400,000) of the Enterprise Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of Twenty Million Eight Hundred Twenty Three Thousand Eight Hundred Seventeen Dollars (\$20,823,817) 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 Certificate of Estimated Resources, that, provided the Director of Finance obtains an amended Certificate that includes the following amount:

GENERAL FUND	\$10,000,000
SPECIAL REVENUE FUNDS	\$10,423,817
ENTERPRISE FUNDS	\$ 400,000
TOTAL ALL FUNDS	\$20,823,817

GENERAL FUND

NON-DEPARTMENTAL		
Other Administrative		\$ 10,000,000
I Personnel and Related Expenses	\$ 10,000,000	
TOTAL NON-DEPARTMENTAL	\$ 10,000,000	\$ 10,000,000
TOTAL GENERAL FUND	\$ 10,000,000	\$ 10,000,000

SPECIAL REVENUE FUNDS

Street Construction, Maintenance & Repair Fund		\$ 673,817
I Personnel and Related Expenses	\$ 536,371	
II Other Expenses	\$ 137,446	
Rainy Day Fund		\$ 3,650,000
II Other Expenses	\$ 3,650,000	
Reserve Fund		\$ 6,100,000
II Other Expenses	\$ 6,100,000	
TOTAL SPECIAL REVENUE FUNDS	\$ 10,423,817	\$ 10,423,817

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Division of Water Pollution Control		\$ 400,000
II Other Expenses	\$ 400,000	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$ 400,000	\$ 400,000
TOTAL ENTERPRISE FUNDS	\$ 400,000	\$ 400,000
TOTAL ALL FUNDS	\$ 20,823,817	\$ 20,823,817

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.

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. 2353-03.

By Council Member Jackson (by departmental request).

An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 2004 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2004.

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. That to provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2004, until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2004, there is appropriated for the period from January 1, 2004, to the effective date of the annual appropriation ordinance the sum of Four Hundred Fifty Million Five Hundred Ninety-Eight Thousand and Seven Dollars (\$450,598,007) out of taxes due the City of Cleveland and any other revenues accrued or occurring during the period of time and the funds are appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$1,850,127
I. Personnel and Related Expenses	\$1,351,163	
II. Other Expenses	\$498,964	
TOTAL LEGISLATIVE BRANCH		\$1,850,127

JUDICIAL BRANCH		
Judicial Division		\$7,527,346
I. Personnel and Related Expenses	\$5,327,346	
II. Other Expenses	\$2,200,000	
Housing Division		\$897,838
I. Personnel and Related Expenses	\$806,189	
II. Other Expenses	\$91,649	
Clerks Division		\$3,266,765
I. Personnel and Related Expenses	\$2,410,882	
II. Other Expenses	\$855,883	
TOTAL JUDICIAL BRANCH		\$11,691,949
EXECUTIVE BRANCH		
Office of the Mayor		\$712,790
I. Personnel and Related Expenses	\$597,981	
II. Other Expenses	\$114,809	
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		\$967,797
I. Personnel and Related Expenses	\$811,361	
II. Other Expenses	\$156,436	
Division of Police		\$54,091,100
I. Personnel and Related Expenses	\$49,975,100	
II. Other Expenses	\$4,116,000	
Division of Fire		\$23,009,978
I. Personnel and Related Expenses	\$21,836,000	
II. Other Expenses	\$1,173,978	
Emergency Medical Services		\$6,451,630
I. Personnel and Related Expenses	\$5,656,118	
II. Other Expenses	\$795,512	
Division of Dog Pound		\$306,107
I. Personnel and Related Expenses	\$245,716	
II. Other Expenses	\$60,391	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$84,826,612
Community Relations Board		\$280,909
I. Personnel and Related Expenses	\$239,359	
II. Other Expenses	\$41,550	
Department of Consumer Affairs		\$112,374
I. Personnel and Related Expenses	\$74,926	
II. Other Expenses	\$37,448	
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		\$162,098
I. Personnel and Related Expenses	\$157,022	
II. Other Expenses	\$5,076	
Division of Architecture		\$214,785
I. Personnel and Related Expenses	\$203,838	
II. Other Expenses	\$10,947	
Waste Collection and Disposal		\$8,935,495
I. Personnel and Related Expenses	\$4,700,981	
II. Other Expenses	\$4,234,514	

Engineering and Construction		\$1,546,036
I. Personnel and Related Expenses	\$1,379,014	
II. Other Expenses	\$167,022	
Division of Traffic Engineering		\$1,233,807
I. Personnel and Related Expenses	\$804,973	
II. Other Expenses	\$428,834	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$12,092,221
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Parks, Recreation, and Properties Admin		\$240,465
I. Personnel and Related Expenses	\$177,777	
II. Other Expenses	\$62,688	
Research, Planning, and Development		\$234,165
I. Personnel and Related Expenses	\$210,607	
II. Other Expenses	\$23,558	
Division of Recreation		\$3,848,530
I. Personnel and Related Expenses	\$2,684,517	
II. Other Expenses	\$1,164,013	
Parking Facilities-On Street		\$319,371
I. Personnel and Related Expenses	\$301,900	
II. Other Expenses	\$17,471	
Division of Property Management		\$2,657,441
I. Personnel and Related Expenses	\$1,891,683	
II. Other Expenses	\$765,758	
Park Maintenance and Properties		\$4,166,242
I. Personnel and Related Expenses	\$2,708,423	
II. Other Expenses	\$1,457,819	
TOTAL DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		\$11,466,214
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		\$854,631
I. Personnel and Related Expenses	\$808,631	
II. Other Expenses	\$46,000	
Director's Office		\$162,973
I. Personnel and Related Expenses	\$162,973	
II. Other Expenses	—	
Division of Neighborhood Development		\$746,261
I. Personnel and Related Expenses	\$666,261	
II. Other Expenses	\$80,000	
Division of Neighborhood Services		\$421,907
I. Personnel and Related Expenses	\$421,907	
TOTAL COMMUNITY DEVELOPMENT		\$2,185,772
DEPARTMENT OF BUILDING AND HOUSING		
Director's Office		\$611,908
I. Personnel and Related Expenses	\$442,975	
II. Other Expenses	\$168,933	
Division of Code Enforcement		\$1,548,591
I. Personnel and Related Expenses	\$1,493,296	
II. Other Expenses	\$55,295	

Division of Construction Permitting		\$1,244,483
I. Personnel and Related Expenses	\$1,205,035	
II. Other Expenses	\$39,448	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		\$3,404,982
Landmarks Commission		\$54,146
I. Personnel and Related Expenses	\$50,209	
II. Other Expenses	\$3,937	
Board of Building Standards and Appeals		\$35,217
I. Personnel and Related Expenses	\$29,319	
II. Other Expenses	\$5,898	
Board of Zoning Appeals		\$90,620
I. Personnel and Related Expenses	\$84,920	
II. Other Expenses	\$5,700	
Economic Development		\$353,464
I. Personnel and Related Expenses	\$336,869	
II. Other Expenses	\$16,595	
Office of Equal Opportunity		\$211,341
I. Personnel and Related Expenses	\$196,537	
II. Other Expenses	\$14,804	
City Planning Commission		\$470,426
I. Personnel and Related Expenses	\$441,291	
II. Other Expenses	\$29,135	
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		\$244,367
I. Personnel and Related Expenses	\$193,285	
II. Other Expenses	\$51,082	
Division of Corrections		\$2,032,914
I. Personnel and Related Expenses	\$1,533,813	
II. Other Expenses	\$499,101	
Division of Health		\$1,057,200
I. Personnel and Related Expenses	\$680,749	
II. Other Expenses	\$376,451	
Division of Environment		\$411,419
I. Personnel and Related Expenses	\$296,963	
II. Other Expenses	\$114,456	
Division of Air Quality		\$162,670
I. Personnel and Related Expenses	\$33,515	
II. Other Expenses	\$129,155	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$3,908,570
DEPARTMENT OF AGING		\$144,929
I. Personnel and Related Expenses	\$109,795	
II. Other Expenses	\$35,134	
DEPARTMENT OF FINANCE		
Finance Administration		\$200,538
I. Personnel and Related Expenses	\$172,872	
II. Other Expenses	\$27,666	
Division of Accounts		\$487,090
I. Personnel and Related Expenses	\$318,646	
II. Other Expenses	\$168,444	

Division of Assessments and Licenses		\$462,287
I. Personnel and Related Expenses	\$392,379	
II. Other Expenses	\$69,908	
Division of Treasury		\$164,503
I. Personnel and Related Expenses	\$139,139	
II. Other Expenses	\$25,364	
Division of Purchases and Supplies		\$203,334
I. Personnel and Related Expenses	\$159,741	
II. Other Expenses	\$43,593	
Bureau of Internal Audit		\$276,469
I. Personnel and Related Expenses	\$169,105	
II. Other Expenses	\$107,364	
Financial Reporting and Control		\$421,349
I. Personnel and Related Expenses	\$331,531	
II. Other Expenses	\$89,818	
Information Systems Services		\$1,420,131
I. Personnel and Related Expenses	\$620,131	
II. Other Expenses	\$800,000	
Information Tech and Planning		\$68,797
I. Personnel and Related Expenses	\$68,697	
II. Other Expenses	\$100	
TOTAL DEPARTMENT OF FINANCE		<u>\$3,704,498</u>
Office of Budget & Management		\$185,084
I. Personnel and Related Expenses	\$180,284	
II. Other Expenses	\$4,800	
Law		\$2,532,999
I. Personnel and Related Expenses	\$1,895,135	
II. Other Expenses	\$637,864	
Office of Personnel		\$501,196
I. Personnel and Related Expenses	\$400,148	
II. Other Expenses	\$101,048	
Civil Service Commission		\$258,318
I. Personnel and Related Expenses	\$183,635	
II. Other Expenses	\$74,683	
Non-Departmental Other Administrative		\$6,278,620
II. Other Expenses	\$6,278,620	
Transfers to Other Funds		\$11,045,205
II. Other Expenses	\$11,045,205	
Total Nondepartmental		<u>\$17,323,825</u>
TOTAL GENERAL FUND		\$158,398,583
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$31,000,000
I. Capital	\$11,000,000	
II. Debt Service	\$20,000,000	
Street Construction, Maintenance & Repair		\$11,865,000
I. Personnel and Related Expenses	\$5,056,000	
II. Other Expenses	\$6,809,000	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		<u>\$44,865,000</u>

INTERNAL SERVICE FUND		
ISS-Telecommunications		\$5,651,122
I. Personnel and Related Expenses	\$308,007	
II. Other Expenses	\$5,343,115	
Motor Vehicle Maintenance		\$5,400,148
I. Personnel and Related Expenses	\$1,930,531	
II. Other Expenses	\$3,469,617	
Printing and Reproduction		\$576,184
I. Personnel and Related Expenses	\$230,630	
II. Other Expenses	\$345,554	
City Storeroom		\$364,459
I. Personnel and Related Expenses	\$25,626	
II. Other Expenses	\$338,833	
TOTAL INTERNAL SERVICE FUNDS		\$11,991,913
DEPARTMENT OF PUBLIC UTILITIES		
Utilities Administration		\$474,422
I. Personnel and Related Expenses	\$318,628	
II. Other Expenses	\$155,794	
Radio		\$1,631,213
I. Personnel and Related Expenses	\$44,056	
II. Other Expenses	\$1,587,157	
Division of Fiscal Control		\$864,924
I. Personnel and Related Expenses	\$756,778	
II. Other Expenses	\$108,146	
Division of Water		\$87,569,159
I. Personnel and Related Expenses	\$23,596,556	
II. Other Expenses	\$63,972,603	
Division of Water Pollution Control		\$8,860,446
I. Personnel and Related Expenses	\$2,615,415	
II. Other Expenses	\$6,245,031	
Division of Cleveland Public Power		\$53,651,438
I. Personnel and Related Expenses	\$7,781,397	
II. Other Expenses	\$45,870,041	
TOTAL PUBLIC UTILITIES		\$153,051,602
DEPARTMENT OF PORT CONTROL		
Airports - Operations		\$53,906,016
I. Personnel and Related Expenses	\$6,963,662	
II. Other Expenses	\$46,942,354	
TOTAL DEPARTMENT OF PORT CONTROL		\$53,906,016
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$639,003
I. Personnel and Related Expenses	\$497,781	
II. Other Expenses	\$141,222	
Golf Course Fund		\$913,447
I. Personnel and Related Expenses	\$368,359	
II. Other Expenses	\$545,088	
Parking Facilities-Off Street		\$3,267,378
I. Personnel and Related Expenses	\$324,517	
II. Other Expenses	\$2,942,861	

Convention Center		\$2,533,956
I. Personnel and Related Expenses	\$981,116	
II. Other Expenses	\$1,552,840	
West Side Market		\$382,922
I. Personnel and Related Expenses	\$147,532	
II. Other Expenses	\$235,390	
Stadium		\$8,990,205
II. Other Expenses	\$8,990,205	
Property Management - East Side Market		\$24,810
I. Personnel and Related Expenses	\$15,570	
II. Other Expenses	\$9,240	
TOTAL DEPARTMENT OF PARKS, RECREATION, & PROPERTIES		\$16,751,721
TOTAL ENTERPRISE FUNDS		\$233,709,339
AGENCY FUND		
Central Collection Agency		\$3,038,172
I. Personnel and Related Expenses	\$1,869,650	
II. Other Expenses	\$1,168,522	
TOTAL AGENCY FUND		\$3,038,172
DEBT SERVICE FUND		
Sinking Fund Commission		\$8,595,000
I. Personnel and Related Expenses	\$60,000	
II. Other Expenses	\$35,000	
III. Debt Service	\$8,500,000	
TOTAL DEBT SERVICE FUNDS		\$8,595,000
TOTAL ALL FUNDS		\$450,598,007

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, 2004, when such appropriation ordinance shall become effective, and to the various departments and divisions in payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have been paid out or expended; provided, however, that no payment shall be made under the authority of this ordinance after the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2004.

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.

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 17. Nays 2.

Those voting yea: Council Members: Jackson, Brady, Britt, Cimperman, Coats, Conwell, Gordon, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Rybka, Sweeney, Westbrook, White and Zone.

Those voting nay: Council Members Dolan and Polensek.

Absent: Council Members Cintron and Reed.

Ord. No. 2354-03.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide the transfer of the sum of Eleven Million Five Hundred Eighty-Five Thousand Dollars (\$11,585,000) within various divisions of the General Fund; Ninety Thousand Dollars (\$90,000) within the Internal Service Fund; and Three Hundred Seventy-One Thousand Dollars (\$371,000) within the Enterprise Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

Whereas, this ordinance constitutes an emergency measure providing for the usually 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 Twelve Million Forty Six Thousand Dollars (\$12,046,000) be the same and hereby transferred as follows:

	FROM	TO
GENERAL FUND		
LEGISLATIVE BRANCH		
Council and Clerk of Council		
I Personnel and Related Expenses	\$ 200,000	\$ -
II Other Expenses	\$ -	\$ 55,000
TOTAL LEGISLATIVE BRANCH	\$ 200,000	\$ 55,000
JUDICIAL BRANCH		
Judicial Division		
I Personnel and Related Expenses	\$ 700,000	\$ -
II Other Expenses	\$ 100,000	\$ -
Housing Division		
I Personnel and Related Expenses	\$ 60,000	\$ -
II Other Expenses	\$ 10,000	\$ -
Clerks Division		
I Personnel and Related Expenses	\$ 525,000	\$ -
II Other Expenses	\$ 50,000	\$ -
TOTAL JUDICIAL BRANCH	\$ 1,445,000	\$ -
EXECUTIVE BRANCH		
Office of the Mayor		
I Personnel and Related Expenses	\$ 210,000	\$ -
II Other Expenses	\$ 35,000	\$ -
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
I Personnel and Related Expenses	\$ 10,000	\$ -
II Other Expenses	\$ 95,000	\$ -
Division of Police		
I Personnel and Related Expenses	\$ -	\$ 4,950,000
II Other Expenses	\$ -	\$ 1,250,000
Division of Fire		
I Personnel and Related Expenses	\$ -	\$ 1,200,000
II Other Expenses	\$ -	\$ 270,000
Emergency Medical Services		
I Personnel and Related Expenses	\$ -	\$ 500,000
II Other Expenses	\$ -	\$ 100,000
Division of Dog Pound		
I Personnel and Related Expenses	\$ -	\$ 85,000
II Other Expenses	\$ -	\$ 20,000
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 105,000	\$ 8,375,000
Community Relations Board		
I Personnel and Related Expenses	\$ 210,000	\$ -
Department of Consumer Affairs		
II Other Expenses	\$ 15,000	\$ -
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		
I Personnel and Related Expenses	\$ 10,000	\$ -
Division of Architecture		
I Personnel and Related Expenses	\$ 10,000	\$ -

Waste Collection and Disposal			
I Personnel and Related Expenses	\$	340,000	\$ -
II Other Expenses	\$	600,000	\$ -
Engineering and Construction			
I Personnel and Related Expenses	\$	45,000	\$ -
Division of Traffic Engineering			
I Personnel and Related Expenses	\$	140,000	\$ -
II Other Expenses	\$	-	\$ 320,000
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$	1,145,000	\$ 320,000
DEPARTMENT OF PARKS, RECREATION & PROPERTIES			
Parks, Recreation and Properties Admin			
I Personnel and Related Expenses	\$	110,000	\$ -
II Other Expenses	\$	15,000	\$ -
Research, Planning and Development			
I Personnel and Related Expenses	\$	15,000	\$ -
II Other Expenses	\$	15,000	\$ -
Division of Recreation			
I Personnel and Related Expenses	\$	850,000	\$ -
II Other Expenses	\$	-	\$ 200,000
Parking Facilities - On Street			
I Personnel and Related Expenses	\$	50,000	\$ -
Division of Property Management			
I Personnel and Related Expenses	\$	570,000	\$ -
II Other Expenses	\$	20,000	\$ -
Park Maintenance and Properties			
I Personnel and Related Expenses	\$	425,000	\$ -
II Other Expenses	\$	-	\$ 450,000
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$	2,070,000	\$ 650,000
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Director's Office			
I Personnel and Related Expenses	\$	55,000	\$ -
Division of Neighborhood Services			
I Personnel and Related Expenses	\$	35,000	\$ -
TOTAL COMMUNITY DEVELOPMENT	\$	90,000	\$ -
DEPARTMENT OF BUILDING AND HOUSING			
Director's Office			
I Personnel and Related Expenses	\$	75,000	\$ -
Division of Code Enforcement			
I Personnel and Related Expenses	\$	510,000	\$ -
Division of Construction Permitting			
I Personnel and Related Expenses	\$	340,000	\$ -
TOTAL DEPARTMENT OF BUILDING AND HOUSING	\$	925,000	\$ -
Landmarks Commission			
I Personnel and Related Expenses	\$	15,000	\$ -
Board of Zoning Appeals			
I Personnel and Related Expenses	\$	25,000	\$ -
Economic Development			
I Personnel and Related Expenses	\$	165,000	\$ -

Office of Equal Opportunity			
I Personnel and Related Expenses	\$	80,000	\$ -
II Other Expenses	\$	65,000	\$ -
City Planning Commission			
I Personnel and Related Expenses	\$	110,000	\$ -
DEPARTMENT OF PUBLIC HEALTH			
Health Administration			
I Personnel and Related Expenses	\$	105,000	\$ -
II Other Expenses	\$	50,000	\$ -
Division of Corrections			
I Personnel and Related Expenses	\$	-	\$ 40,000
Division of Health			
I Personnel and Related Expenses	\$	70,000	\$ -
Division of the Environment			
I Personnel and Related Expenses	\$	-	\$ 250,000
II Other Expenses	\$	100,000	\$ -
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$	325,000	\$ 290,000
DEPARTMENT OF FINANCE			
Finance Administration			
I Personnel and Related Expenses	\$	10,000	\$ -
Division of Accounts			
I Personnel and Related Expenses	\$	40,000	\$ -
II Other Expenses	\$	135,000	\$ -
Division of Assessments & Licenses			
I Personnel and Related Expenses	\$	70,000	\$ -
Division of Treasury			
I Personnel and Related Expenses	\$	-	\$ 10,000
II Other Expenses	\$	-	\$ 10,000
Division of Purchases and Supplies			
I Personnel and Related Expenses	\$	185,000	\$ -
II Other Expenses	\$	40,000	\$ -
Bureau of Internal Audit			
I Personnel and Related Expenses	\$	85,000	\$ -
II Other Expenses	\$	210,000	\$ -
Financial Reporting & Control			
I Personnel and Related Expenses	\$	155,000	\$ -
II Other Expenses	\$	560,000	\$ -
Information Systems Services			
I Personnel and Related Expenses	\$	230,000	\$ -
II Other Expenses	\$	110,000	\$ -
TOTAL DEPARTMENT OF FINANCE	\$	1,830,000	\$ 20,000
Office of Budget & Management			
I Personnel and Related Expenses	\$	10,000	\$ -
Law			
I Personnel and Related Expenses	\$	250,000	\$ -
II Other Expenses	\$	10,000	\$ -
Office of Personnel			
I Personnel and Related Expenses	\$	100,000	\$ -
II Other Expenses	\$	15,000	\$ -
Civil Service Commission			
I Personnel and Related Expenses	\$	10,000	\$ -
II Other Expenses	\$	300,000	\$ -

Non-Departmental		
County Auditor Deductions		
II Other Expenses	\$ -	\$ 355,000
Other Administrative		
II Other Expenses	\$ -	\$ 1,520,000
Transfers to Other Funds		
II Other Expenses	\$ 1,825,000	\$ -
Total Nondepartmental	\$ 1,825,000	\$ 1,875,000
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TOTAL GENERAL FUND	\$ 11,585,000	\$ 11,585,000
INTERNAL SERVICE FUND		
ISS - Telecommunications		
I Personnel and Related Expenses	\$ -	\$ 40,000
II Other Expenses	\$ 40,000	\$ -
Motor Vehicle Maintenance		
I Personnel and Related Expenses	\$ -	\$ 50,000
II Other Expenses	\$ 50,000	\$ -
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TOTAL INTERNAL SERVICE FUNDS	\$ 90,000	\$ 90,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Radio		
I Personnel and Related Expenses	\$ -	\$ 11,000
II Other Expenses	\$ 11,000	\$ -
Division of Water		
I Personnel and Related Expenses	\$ -	\$ 250,000
II Other Expenses	\$ 250,000	\$ -
TOTAL PUBLIC UTILITIES	\$ 261,000	\$ 261,000
DEPARTMENT OF PARKS, RECREATION & PROPERTIES		
Division of Cemeteries		
I Personnel and Related Expenses	\$ 75,000	\$ -
II Other Expenses	\$ -	\$ 75,000
Convention Center		
I Personnel and Related Expenses	\$ -	\$ 25,000
II Other Expenses	\$ 25,000	\$ -
West Side Market		
I Personnel and Related Expenses	\$ -	\$ 10,000
II Other Expenses	\$ 10,000	\$ -
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$ 110,000	\$ 110,000
<hr/>		
TOTAL ENTERPRISE FUNDS	\$ 371,000	\$ 371,000
<hr/>		
TOTAL ALL FUNDS	\$ 12,046,000	\$ 12,046,000

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.

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. 2343-03.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 13429 Lakewood Heights Boulevard and repealing Resolution No. 2106-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Boulevard by Resolution No. 2106-03 adopted by the Council on October 27, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Dona Brady and Applicant, Brian Hubbard, President of 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 9116441, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Boulevard be and the same is hereby withdrawn and Resolution No. 2106-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 2344-03.

By Council Member Britt.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 8716 Cedar Avenue and repealing Resolution Nos. 1614-02 and 1289-03, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 8716 Cedar Avenue by Resolution Nos. 1614-02 and 1289-03 adopted by the Council on August 14, 2002 and July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Gene A. Sardon, President of Willa

G., Inc., DBA Gene's Corner Beverage, 8716 Cedar Avenue, Cleveland, Ohio 44106, Permanent Number 9619191-0005, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Willa G., Inc., DBA Gene's Corner Beverage, 8716 Cedar Avenue, Cleveland, Ohio 44106, Permanent Number 9619191-0005 be and the same is hereby withdrawn and Resolution Nos. 1614-02 and 1289-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2345-03.

By Council Member Britt.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 1930 East 79th Street and repealing Resolution No. 1613-02, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 1930 East 79th Street by Resolution No. 1613-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Rosita Kutkut, President of Cascians Corporation, Inc., DBA Quik Pik Market, 1930 East 79th Street, Cleveland, Ohio 44103, Permanent Number 1302675, a copy of which is in the file for this address with the City Law Department; 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 Cascians Corporation, Inc., DBA Quik Pik Market, 1930 East 79th Street, Cleveland, Ohio 44103, Permanent Number 1302675 be and the same is hereby withdrawn and Resolution No. 1613-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the

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

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

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

Res. No. 2346-03.

By Council Member Rybka.

An emergency resolution withdrawing objection to a New C2 Liquor Permit at 4324 Warner Road and repealing Resolution No. 1563-03, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 4324 Warner Road by Resolution No. 1563-03 adopted by the Council on August 13, 2003; and

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

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

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

Section 1. That objection to a New C2 Liquor Permit to Mizrah Zkout, Inc., DBA Tom's Market, 4324 Warner Road, 1st Floor, Cleveland, Ohio 44105, Permanent Number 6069086-0005, be and the same is hereby withdrawn and Resolution No. 1563-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 2347-03.

By Council Member Rybka.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5407 Fleet Avenue and repealing Resolution No. 1572-03, objecting to said permit.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 5407 Fleet Avenue by Resolution No. 1572-03 adopted by the Council on August 13, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Edward W. Rybka and Applicant, Haifa Gharib Aridi, President of 5407 Fleet, Inc., DBA Ghazi Market, 5407 Fleet Avenue, Cleveland, Ohio

44105, Permanent Number 2759396, a copy of which is in the file for this address with the City Law Department 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 5407 Fleet, Inc., DBA Ghazi Market, 5407 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 2759396 be and the same is hereby withdrawn and Resolution No. 1572-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 2348-03.

By Council Member Dolan.

An emergency resolution objecting to a New C1 Liquor Permit at 14039 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at American Cash, Inc., DBA American Cash Exchange, 14039 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 01616470015; 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 American Cash, Inc., DBA American Cash Exchange, 14039 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 01616470015 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. 2349-03.

By Council Member Cintron.

An emergency resolution objecting to a New C1 Liquor Permit at 3501 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Ankoush, Inc., DBA Gas USA Fulton, 3501 Lorain Avenue, Cleveland, Ohio 44113, Permanent Number 0222882; 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 Ankoush, Inc., DBA Gas USA Fulton, 3501 Lorain Avenue, Cleveland, Ohio 44113, Permanent Number 0222882 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. 2350-03.

By Council Member Conwell.

An emergency resolution objecting to a New C1 Liquor Permit at 11625 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Super Drive Thru, Inc., 11625 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8699981; 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 Super Drive Thru, Inc., 11625 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8699981 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. 2351-03.

By Council Member Conwell.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 891 Lakeview Road, 1st Floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit 891 Lakeview, Inc., 891 Lakeview Road, 1st Floor, Cleveland, Ohio 44108, Permanent Number 2456307 to Lakeview Food Enterprises, Inc., DBA In & Out Beverage, 891 Lakeview Road, 1st Floor, Cleveland, Ohio 44108, Permanent Number 4980548; 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 rea-

sonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit at 891 Lakeview, Inc., 891 Lakeview Road, 1st Floor, Cleveland, Ohio 44108, Permanent Number 2456307 to Lakeview Food Enterprises, Inc., DBA In & Out Beverage, 891 Lakeview Road, 1st Floor, Cleveland, Ohio 44108, Permanent Number 4980548; 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. 2356-03.

By Council Member Coats.

An emergency resolution urging the Public Utilities Commission of Ohio to reject the FirstEnergy Rate Stabilization Plan as proposed; to reject any proposal that will harm government aggregation programs; and to extend the timetable for its decision to allow all parties a full and fair opportunity to analyze FirstEnergy's proposal and to participate in the proceedings.

Whereas, FirstEnergy submitted a Rate Stabilization Plan to the Public Utilities Commission of Ohio ("the Commission") on October 21, 2003; and

Whereas, FirstEnergy's plan would either subject its customers' electricity needs to a flawed competitive auction process or freeze the customers' present high-cost rates for an additional three years, from January 1, 2006, to December 31, 2008, and permit FirstEnergy to continue collecting the present charge for so-called generation

"stranded costs" that was scheduled to end December 31, 2005; and

Whereas, the high cost of power in northeast Ohio contributes to the loss of businesses, jobs, and tax revenues for the City, and causes great hardship to the City's residents, many of whom have low to moderate incomes and are on fixed incomes; and

Whereas, the FirstEnergy plan would severely restrict and possibly eliminate the City's electric aggregation program, which has saved the City's Cleveland Electric Illuminating Company (CEI) customers approximately \$3,500,000 since 2001; and

Whereas, the City's electric aggregation program is the only alternative to CEI for many City customers who cannot be served by Cleveland Public Power; and

Whereas, the Commission has scheduled its hearing on this important matter for December 17, 2003, a timetable that will make it impossible for the customers, their representatives, other affected parties, and the Commission itself to determine whether the plan serves the best interests of the customers; 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 opposes the FirstEnergy Rate Stabilization Plan as proposed; that this Council urges the Commission to reject any FirstEnergy proposal that will harm government aggregation programs; and that this Council urges the Commission to extend the hearing process to afford all interested persons a full and fair opportunity to analyze FirstEnergy's plan and to participate in the Commission's proceedings to determine whether the plan serves the best interests of FirstEnergy's customers.

Section 2. The Clerk is directed to transmit copies of this resolution to the Chairman and each member of the Commission, and to all parties participating in the proceeding.

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

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. 2357-03.

By Council Member Coats.

An emergency resolution urging the Administration to require that all government facilities and operations energy consumption consist of at least 5% of renewable energy resources and to develop a strategic energy management plan with specific goals for achieving energy efficiency improvements in all government facilities and operations.

Whereas, cities cannot continue to solely rely on fossil fuels, such as coal, natural gas, and nuclear

fuel, for their energy consumption; and

Whereas, strictly relying on fossil fuels for energy consumption has dramatically reduced the supply of these natural resources, heavily polluted our atmosphere, and substantially raised overall energy costs; and

Whereas, harnessing renewable energy resources, such as wind and solar power, will provide the same level of energy services, save money, and protect the environment; and

Whereas, cities, like Austin, Seattle, Chicago, and Oakland, have made similar commitments to using renewable energy in their government facilities and operations; and

Whereas, developing a strategic energy management plan will improve energy use, save money, and support the city's commitment to renewable energy; and

Whereas, cities, like Portland, Phoenix, Minneapolis, Memphis, and Philadelphia, have also developed their own strategic energy management plans that have greatly scaled back their energy use and generated millions of dollars in savings for these cities; and

Whereas, this Council urges the Administration to commit to using renewable energy and to developing a strategic energy management plan for the city; and

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

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

Section 1. Urging the Administration to require that all government facilities and operations energy consumption consist of at least 5% of renewable energy resources and to develop a strategic energy management plan with specific goals for achieving energy efficiency improvements in all government facilities and operations.

Section 2. The Clerk is directed to transmit copies to the Director of Public Utilities.

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. 2358-03.

By Council Members Westbrook and Coats.

An emergency resolution urging President Bush to act now to jump start the economy by immediately empowering his manufacturing Czar to help save our cities.

Whereas, many cities facing debilitating budget deficits rely on the income tax for the majority of their operational revenues; and

Whereas, cities such as Cleveland are viable and healthy when residents have jobs; and

Whereas, once the heart of rust-belt vitality, the manufacturing industry has increasingly become a forgotten economic resource, leaving hundreds of thousands of manufacturing workers without jobs in the last ten years and cities without the needed income tax revenue; and

Whereas, every on manufacturing job generates three additional service jobs; and

Whereas, rust-belt cities like Cleveland and Pittsburgh may be bitter football rivals on Sundays, but remain intimately joined in their fight for retaining and creating these needed manufacturing jobs the rest of the week; and

Whereas, President Bush used Labor Day, 2003 and Cleveland as a platform to announce that he would create a manufacturing czar to revitalize the manufacturing base and create more blue-collar jobs; and

Whereas, our City's survival is linked to the manufacturing industry, which is worth as much, or more, than the \$87 billion the President is spending on the War in Iraq; 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 President Bush to act now to jump start the economy by immediately empowering his manufacturing czar to help save our cities.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the President of the United States.

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. 2359-03.

By Council Members Cimperman, Jackson, Jones, Coats and Johnson.

An emergency resolution recognizing the O'Jays for their outstanding musical accomplishments and supporting the induction of the O'Jays into the Rock and Roll Hall of Fame Museum.

Whereas, in the late 1950's, Eddie Levert, Walter Williams, William Powell, Bobby Massey and Bill Isles formed a quintet called the Triumphs of McKinley High School in Canton, Ohio; and

Whereas, this group became known as the Mascots and was later renamed the O'Jays after legendary radio D.J., Eddie O'Jay; and

Whereas, in 1963, the O'Jays signed a contract with Imperial Records and the band quickly achieved their first hit, *Lonely Drifter*; and

Whereas, after a string of hit singles, the O'Jays debut album *Comin' Through* was released in 1965; and

Whereas, the group released one more album, *Soul Sounds*, before they met songwriters and producers, Kenny Gamble and Leon Huff, in 1967; and

Whereas, the group started recording on Gamble and Huff's Neptune label as a quartet after the departure of Bill Isles in 1967; and

Whereas, Bobby Massey left the group in 1972 and the trio united with Gamble and Huff on Philadelphia International Records label to record some of the best R&B pop hits ever; and

Whereas, during this time, the O'Jays became known as one of the best bands in the world; and

Whereas, the 1970's was truly the decade of the O'Jays; and

Whereas, from 1972 through 1978, the O'Jays recorded eight No. 1 R&B singles; and

Whereas, during this period the band also had five albums that went gold and three that went platinum; and

Whereas, during this period of successes, the O'Jays also faced one of their darkest moments as William Powell, a founding member of the band, was forced to leave the band because of terminal cancer; and

Whereas, Sammy Strain became William Powell's replacement; and

Whereas, the O'Jays were able to overcome the loss of one of their founding members to cancers and continued to release hits through the 1980's and 1990's; and

Whereas, today, the band continues to perform and bring joy to old and new fans; and

Whereas, this Council takes great pride in recognizing the O'Jays for their outstanding accomplishments and achievements during the course of their illustrious career which encompasses more than 40 years; 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 is honored to recognize the O'Jays for their outstanding musical accomplishments made possible by their unique vocal style and showmanship.

Section 2. That this Council supports the induction of the O'Jays into the Rock and Roll Hall of Fame Museum in Cleveland, Ohio.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to each member of the O'Jays, Terry Stewart, Director, Rock and Roll Hall of Fame Museum and the Rock and Roll Hall of Fame Foundation.

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

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 2094-03.

By Council Member Cimperman. An emergency resolution declaring it necessary to provide for additional security for the Cleveland Theater District ("District"), cleaning and maintenance of the public right-of-way and Star Plaza within the District, and collective marketing of the District in the City of Cleveland; approving the comprehensive plan of services to be provided by the District; providing for the assessment of the cost and expense of said plan upon the benefited properties within the District; and declaring an emergency.

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

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

MOTION

By Council Member Lewis seconded by Council Member Zone and unanimously carried that the absence of Council Members Nelson Cintron, Jr. and Zachary Reed be and is hereby authorized.

MOTION

The Council Meeting adjourned at 11:53 p.m. to meet on Monday, December 1, 2003, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 19, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 19, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Draper, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted:

Resolution No. 698-03.

By Director Konicek.

Whereas pursuant to the authority of Ordinance No. 1077-02, passed by the Council of the City of Cleveland on June 17, 2002, the City, through its Director of Public Utilities entered into City Contract No. 61315 with Cleveland Municipal School District, a governmental entity of Ohio, to provide literacy training for six months for the Division of Water, Department of Public Utilities; and

Whereas the City has determined it is necessary to extend the term of said City Contract No. 61315 to the earlier of either the exhaustion of the funds certified to City Contract No. 61315 or April 2, 2004; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is hereby authorized to enter into a first amendment to City Contract No. 61315 between the City of Cleveland and Cleveland Municipal School District to extend the term of said City Contract No. 61315 to the earlier of either the exhaustion of the funds certified to Contract No. 61315 or April 2, 2004.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 699-03.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of BissNuss, Inc. for labor and materials necessary to repair, test and maintain chemical feed equipment (bid items 3, 5, 10, 12, 18-21, 23, 24, 26-28, 30, 32, 37, and 43) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 23rd day of May, 2003, pursuant to the authority of Ordinances No. 2884-01, passed April 8, 2002, upon a unit basis of the estimated quantity would amount to One Hundred Seventy Seven Thousand Dollars (\$177,000.00) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131807 which shall be certified against such contract in the sum of Fifty Thousand Dollars (\$50,000.00).

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

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

chiuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 700-03.

By Director Konicek.

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 rehabilitating and replacing the Archmere Avenue Area System (Base Bid Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on October 9, 2003, pursuant to the authority of Ordinance No. 643-03, passed July 16, 2003, upon a unit basis for the improvement, in the aggregate amount of Two Hundred Seventy-Four Thousand Two Hundred Seventeen and 90/100 Dollars (\$274,217.90), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking & Paving Co., Inc. for the above-mentioned public improvement is hereby approved:

- Subcontractor MBE/FBE Work
- McTech Corp. MBE — \$45,000.00 — (16.41%)
- Friedel Trucking FBE — \$5,000.00 — (1.82%)
- Julian Supply FBE — \$4,000.00 — (1.46%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricciuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 701-03.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Paquin Company for labor and materials necessary to repair, test and maintain chemical feed equipment (bid item 9) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 23rd day of May, 2003, pursuant to the authority of Ordinances No. 2884-01, passed April 8, 2002, upon a unit basis of the estimated quantity would amount to Twelve Thousand Dollars (\$12,000) (Net 45) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 122729 which shall be certified against such contract in the sum of Twelve Thousand Dollars (\$12,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 702-03.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Northcoast Process Controls for labor and materials necessary to repair, test and maintain chemical feed equipment (bid item 36) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 23rd day of May, 2003, pursuant to the authority of Ordinance No. 2884-01, passed April 8, 2002, upon a unit basis of the estimated quantity would amount to Ten Thousand Dollars (\$10,000.00) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131816

which shall be certified against such contract in the sum of Ten Thousand Dollars (\$10,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 703-03.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 479-01, adopted July 25, 2001, pursuant to Ordinance No. 1118-01, passed June 19, 2001, approving Hull and Associates, Inc., City Contract No. 58526 for professional environmental services for the collection, sampling and analysis of soils, environmental modeling and other related services for the Expansion Program for the Division of Cleveland Hopkins International Airport, Department of Port Control, the employment of the following subcontractor for the above-mentioned professional services project is hereby approved.

Subcontractor

MBE/FBE % — Amount

Ohio Northern University
N/A \$1330.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 704-03.

By Director Mok.

Be it resolved by Board of Control of the City of Cleveland that the bid of Great Lakes Construction Company, for the public improvement of Airfield Safety Improvements at Burke Lakefront Airport including the ten percent (10%) contingency, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on August 22, 2003, pursuant to the authority of Ordinance No. 2376-02, passed March 10, 2003, upon a unit basis for the improvement, in the aggregate amount of Five Hundred Ninety-Six Thousand One Hundred Forty-Five and 00/100 Dollars (\$596,145.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors of Great Lakes Construction Company, hereby is approved:

Subcontractor(s)

MBE/FBE % Dollar Amount

Granger Trucking	20.46% — MBE — \$110,882.97
Ballast Fence	0.27% — FBE — \$1,463.27
Resource International	0.47% — FBE — \$2,547.17
Cuyahoga Supply (20% Supply Rule)	0.34% — FBE — \$1,864.31
Julian Supply (20% Supply Rule)	0.02% — FBE — \$130.07
Kenmore	6.03% — \$36,000.00
Doan/Pyramid	8.60% — \$51,000.00
Trafftech	1.00% — \$6,000.00
CJ Zak	3.02% — \$18,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Directors Draper, Taylor.

Resolution No. 705-03.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that all bids received on February 13, 2003 for an estimated quantity of Liquid De-Icer, for the Division of Streets, Department of Public Service, pursuant to the authority of Ordinance No. 1374-02 passed August 14, 2002 be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Draper, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 706-03.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cargill, Incorporated for an estimated quantity of 25,000 tons of Treated Rock Salt, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 13, 2003, pursuant to the authority of Ordinance No. 1374-02 passed August 14, 2002, as amended by Ordinance No. 1938-02 passed October 7, 2002, which on the basis of the estimated quantity would amount to One Million Thirty-Six Thousand Two Hundred Fifty and 00/100 Dollars (\$1,036,250.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139453

which shall be certified against such contract in the sum of Ninety-Nine Thousand, Eight Hundred Seventy-Five and 00/100 (\$99,875.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cargill, Inc., for the hauling of treated rock salt, as needed, is hereby approved:

Granger Trucking	MBE — \$112,625.00 — 10.87%
Interstate Safety	FBE — \$19,875.00 — 1.92%

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Draper, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 707-03.

By Director Ronayne.

Whereas, Ordinance No. 1500-03, passed October 6, 2003, provided that, upon the concurrence of this Board of Control, the duties of the Commissioners of Recreation and Park Maintenance and Properties are amended; and

Whereas, Sections 77 and 79 of the Charter of the City of Cleveland require the concurrence of this Board of Control prior to prescribing, combining, distributing or abolishing the functions or duties of

departments and offices; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board of Control hereby concurs in the amendment of the duties of the Commissioners of Recreation and Park Maintenance and Properties, under the exact terms and conditions set forth in Ordinance No. 1500-03, passed by the Council of the City of Cleveland on October 6, 2003.

Be it further resolved that the Secretary of the Board of Control is hereby instructed to file a certified copy of this resolution with the Clerk of Council immediately upon the adoption hereof so that it may be attached by the Clerk to Ordinance No. 1500-03.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Carroll, Draper, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 708-03.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that that all bids received on August 13, 2003 for Various Parks Site Improvements for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance Nos. 1748-99 and 1114-02 passed by the Council of the City of Cleveland on April 17, 2000 and June 17, 2002 be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Carroll, Draper, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 709-03.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No(s). 008-02-047 and 008-02-118 located at West 17th Street in Ward 14; and

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

Whereas, William Vazquez, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with William Vazquez for the sale and development of Permanent Parcel No(s). 008-02-047 and 008-02-118 located at West 17th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Carroll, Draper, Ronayne, Hudecek, Acting Directors Harden, Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 8, 2003

9:30 A.M.

Calendar No. 03-310: 3304 East 126th Street (Ward 4)

Mt. Pleasant Church of God, owner c/o Brother Leroy Moore, and Dan Bickerstaff, agent, appeal to construct an eleven car parking lot to the rear of an existing church building located on a 120' x 290' irregular shaped parcel located in a Two-Family District on the northwest corner of East 126th Street and Luke Avenue; the parking lot construction being contrary to the Residential Districts Regulations of Section 337.03 for a Two-Family District and, by reference, is regulated by Sections 337.02(e)(1) that require a church and accessory uses if located less than 15' from any Residential District to be subject to the Board of Zoning Appeals approval; and contrary to the Yards and Courts Requirements where parking of motor vehicles in the +20' setback along East 125th Street is prohibited as stated in Section 357.14(a)(1) of the Codified Ordinances.

Calendar No. 03-311: 3316 East 126th Street (Ward 4)
Mt. Pleasant Church of God, owner c/o Brother Moore, and Dan Bickerstaff, agent, appeal to construct a 32 car parking lot on a 120' x 152' parcel located in a Two-Family District on the southwest corner of East 126th Street and Luke Avenue; the proposed parking lot construction being contrary to the Residential Districts Regulations and Section 337.03 where a parking lot in a Two-Family District is prohibited and first allowed in a Local Retail Business District as stated in Sections 343.01(b)(4); and contrary to Section 349.13(c) of the Residential Districts Regulations where a parking lot in a Two-Family District requires the Board of Zoning Appeals approval and the proposed plan being contrary to the Landscaping and Screening Requirements of Section 352.11 where a 6' wide landscape strip is proposed on the west perimeter of the lot and an 8' wide landscaping strip is required between the parking lot and the abutting Two-Family District; and contrary to the Yards and Courts Requirements, where the parking of motor vehicles in the +20' setback along East 126th Street is prohibited as stated in Section 357.14(a)(1) of the Codified Ordinances.

Calendar No. 03-312: 16107 Miles Avenue (Ward 1)

New Jerusalem Church c/o Pastor Stanley Lockhart, owner, appeals to construct stairs, landings and a wheelchair lift to the front of an existing one-story brick church building situated on a 60' x 111' parcel located in a One-Family District on the north side of Miles Avenue at 16107 Miles Avenue; the proposed construction being contrary to the Yards and Courts Requirements of Section 357.13(b) where neither an elevator nor a wall greater than 4' high are a permitted encroachment and the projection of open porticos or porches, steps, landing and porch, may not extend within 10' of the street line as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 03-316: 4428 Bridge Avenue (Ward 13)

Eric Fritz, owner, and Mary Jo Stuart, tenant, appeal to change the use of an approximate 18' x 26' two-story, brick store and two dwelling suites building to a beauty salon

and two dwelling suites situated on a 30' x 84' corner parcel in a Two-Family District on the north side of Bridge Avenue at the intersection of Bridge Avenue and West 45th Street; the proposed change being a substitution of a nonconforming use and requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 03-317: 5515 Ira Avenue (Ward 16)

Cleveland Public Schools, owner c/o Kelly Peacock, agent, appeals to install a new 7' x 10' freestanding, double-sided bulletin board sign in the side yard of an existing 30' x 132' three-story, brick public school building, William Rainey Harper School, situated on an approximate 700' x 178' irregular shaped corner parcel, located in a Two-Family District on the south side of Ira Avenue at the intersection of Fulton Road and Ira Avenue at 5515 Ira Avenue; the proposed sign being contrary to the Sign Regulations where the proposed bulletin board sign is 70' s/f and the maximum square footage allowed for a bulletin board is 40' s/f as stated in Section 350.13(a) of the Codified Ordinances.

Calendar No. 03-272: 1584 East 82nd Street (Ward 7)

Gregory Neal, owner, appeals to enclose an existing 12' x 25' front porch of a two-story, frame one-family dwelling, situated on a 32' x 120' rectangular parcel located in a Multi-Family District on the west side of East 82nd Street at 1584 East 82nd Street; the proposed enclosure being subject to the Enforcement and Penalty Provisions of Section 327.02(d) that require plans for the project be drawn to scale and contrary to the Yards and Courts Requirements where a 12' projection is proposed and enclosed front porches shall not project more than 4' as stated in Section 327.02(b)2 of the Codified Ordinances. (Reinstated 11-10-03)

Calendar No. 03-289: 9616 Gaylord Avenue (Ward 2)

Robert Lanier, owner, appeals to enclose an existing 14' x 10' front porch of a one family, frame dwelling situated on a 42' x 176' parcel located in a Two-Family District on the south side of Gaylord Avenue at 9616 Gaylord Avenue; the proposed enclosure being contrary to the Yards and Courts Requirements, where the proposed porch enclosure has a 10' projection and enclosed front porches may not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances. (Rehearing Granted 11-24-03)

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 24, 2003

At the meeting of the Board of Zoning Appeals on Monday, November 24, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-296: 12722 Lorain Avenue

Devendra Patel appealed to maintain 45 linear feet of an existing +9' high masonry fence-wall at the rear of a 2-story building in a General Retail Business District.

Calendar No. 03-297: 4228 West 63rd Street

Kenny and Teresa Vega appealed to erect a 13' high x 11' wide x 18' long breezeway addition between an existing dwelling and an accessory garage in a One-Family District.

Calendar No. 03-279: 13229 Enterprise Avenue

James Illius d.b.a. Builder's Loft appealed to construct an accessory parking area at the front of a commercial building in a Semi-Industry District; subject to conditions.

Calendar No. 03-267: 3906 Clinton Avenue

Scott Francis appealed to erect 55'-9" of 5 1/2' high wood privacy fence parallel to the neighboring residence at the east side of a 66' x 129' parcel in a Two-Family District; subject to condition.

The following appeals were **Denied:**

None.

The following appeals were **Postponed:**

Calendar No. 03-292: 2600 Hamilton Avenue postponed to December 8, 2003.

Calendar No. 03-299: 2800 East 90th Street postponed to December 15, 2003.

Calendar No. 03-302: 15235 Lorain Avenue postponed to December 8, 2003.

Calendar No. 03-303: 15310 Lorain Avenue postponed to December 8, 2003.

Calendar No. 03-223: 1900 Train Avenue postponed to December 22, 2003.

The following appeal was **Withdrawn:**

Calendar No. 03-256: 3965 Rocky River Drive

The Church of the Living God, owner, and A.S.A.P. Learning Center LLC, tenant, appealed to establish a day care use at an existing church-school in a Two-Family District.

On Monday, November 24, 2003, in Executive Session:

The following appeals were heard by the Board on Monday, November 17, 2003, and said decisions were approved and adopted in Executive Session on Monday, November 24, 2003:

The following appeals were **Approved:**

Calendar No. 03-288: 1420 West 48th Street

United Construction Company appealed to change the use of a two

family dwelling to a one family dwelling in a Two-Family District.

Calendar No. 03-290: 12510-12 Buckeye Road

Margrette Williams appealed to use as a day care the first floor store space in a two-story mixed use building in a Local Retail Business District; subject to revised plan.

Calendar No. 03-291: 5747 Portage Avenue

John Lesko appealed to enclose a 6' x 14' open front porch of a one family dwelling in a Two-Family District.

Calendar No. 03-294: 11420 Buckeye Road

McDonald's Corporation appealed to add a 3' x 8' electronic message center sign to an existing 8' x 10' freestanding ID pole sign at the front of a restaurant and accessory parking lot in a Local Retail Business District; subject to conditions.

Calendar No. 03-295: 7804 Eve Avenue

Richard Bennett appealed to construct a 24' x 24' one-story frame accessory garage on an irregular triangular parcel in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 03-265: Appeal of Northeast Ohio Telephone, Inc.

Northeast Ohio Telephone, Inc. appealed from an order to remove multiple outdoor pay phones identified by the Commissioner of Assessments & Licenses on September 5, 2003.

MOTION FOR REHEARING GRANTED:

Calendar No. 03-289: 9616 Gaylord Avenue

Robert Lanier appealed to enclose a 14' x 10' front porch of a one family dwelling in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
November 19, 2003

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-93-03.

RE: Appeal of BMG Management, Owner of the Property located on the premises known as 13000 St. Clair Avenue from an ABATEMENT ORDER—FIRE CODE of the Chief of the Division of Fire, dated April 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled tentatively for January 14, 2004.

* * *

Docket A-100-03.

RE: Appeal of Estate of Alvin A. Nayman, Owner of the Property located on the premises known as 4906 Praha Avenue from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated July 21, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-100-03 has been POSTPONED; to be rescheduled for January 14, 2004.

* * *

Docket A-101-03.

RE: Appeal of Estate of Alvin A. Nayman, Owner of the Property located on the premises known as 2962 East 50th Street from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated July 21, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-101-03 has been POSTPONED; to be rescheduled for January 14, 2004.

* * *

Docket A-104-03.

RE: Appeal of Jim Bellanca, Owner of the Two & One/half Story Wood Frame Residential Property located on the premises known as 8301 Medina Avenue from a 30 DAY CONDEMNATION ORDER—MS of the Commissioner of the Department of Building and Housing, dated July 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER—MS and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to obtain all permits within thirty (30) days, and to achieve substantial abatement of the violations on the property within sixty (60) days subject to review so that, the time for completion can be extended by the Department of Building and Housing if necessary. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-105-03.

RE: Appeal of Beal Bank SSB, Mortgagee of the Two & One/half Story Residential Property located on the premises known as 3388 East 70th Street from a 30 DAY CONDEMNATION ORDER—MS of the Commissioner of the Department of Building and Housing, dated July 18, 2002, requiring compliance with the Codified Ordinances of the City

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

Docket A-105-03 has been POSTPONED; to be rescheduled for December 3, 2003.

* * *

Docket A-106-03.

RE: Appeal of River's End Marina Development, Inc., Owner of the Property located on the premises known as 1000 Cuyahoga River Road from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated August 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-106-03 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-107-03.

RE: Appeal of Joseph Freund & Rubin Freund, Owner of the Property located on the premises known as 3339 West 65th Street from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated July 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled in sixty (60) days; January 28, 2004.

* * *

Docket A-126-03.

RE: Appeal of the United Construction, Owner of the Two Family Residential Property located on the premises known as 1420 West 48th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Department of Building and Housing, dated October 10, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for December 3, 2003, noting that appellant should label the rooms as to their final activity and present a measured drawing showing property lines and adjacent structures on both sides.

* * *

Docket A-127-03.

RE: Appeal of Vocational Guidance Services, Owner of the Commercial Property located on the premises known as 2235 East 55th Street from a NOTICE OF VIOLATION—HVAC of the Commissioner of the Department of Building and Housing, dated October 16, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the distance of less than ten (10) feet for the two (2) mechanical units on the property located at 2235 East 55th Street, with the addition of appropriate mechanical tie-off, by bolts located at least ten (10) feet from the roof edge, with the provision by the owner the appropriate harnesses and permanent signage

on the unit indicating that access to that side of the unit should only be made by authorized personnel wearing safety equipment. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Saunders, Gallagher, Saab, Bradley. Nays: None. Not Voting: Mr. Denk.

* * *

APPROVAL OF RESOLUTIONS:

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

A-91-03—Albert Coreno.

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

* * *

Separate motions were entered by Mr. Saab and seconded by Mr. Saunders 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 Basic Building Code (OBBC):

A-97-03—Beal Bank SSB.
A-116-03—Debra Anthony.

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

* * *

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-99-03—Richard Davet.
A-115-03—The Bernard Group.

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

* * *

Separate motions were entered by Mr. Bradley and seconded by Mr. Saunders 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 Basic Building Code (OBBC):

A-119-03—The Liberty Holding Group Llc.
A-120-03—Eric Jones.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley 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 Basic Building Code (OBBC):

November 5, 2003

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

* * *

EUGENE CRANFORD, JR.,
Secretary

**FANNIE M. LEWIS CLEVELAND
RESIDENT EMPLOYMENT LAW**

**INITIAL STANDARDS &
PROCEDURES**

Under the authority and responsibility vested in the Director of the Office of Equal Opportunity by Section 188.03 of the Codified Ordinances of Cleveland, Ohio 1976, the Director has created and established, and has caused the publication in the City Record of the following Standards and Procedures ("Standards") for administering the intent of the Fannie M. Lewis Cleveland Resident Employment Law. They are effective as of and from December 26, 2003.

PREAMBLE

The Fannie M. Lewis Cleveland Resident Employment Law, (the "Resident Employment Law"), Chapter 188 of the Codified Ordinances of Cleveland, Ohio 1976, was enacted as a temporary measure to alleviate the lack of employment of City of Cleveland residents that the Council of the City of Cleveland found to exist on City construction projects. The Council also found that the employment of City residents on construction projects funded, in part or in whole, with City assistance, will help alleviate unemployment and poverty in the City. The Resident Employment Law intends to accomplish the purpose of increasing and maximizing employment of City residents by requiring a minimum percentage of employee work time on City construction projects to be performed by City residents and low income City residents. The following Standards implement the Resident Employment Law.

ARTICLE I. DEFINITIONS

1.01 All words, phrases and terms used in these Standards shall have the same definitions as contained in Section 188.01, or if not defined in Section 188.01, as defined in this Article I or as the context requires.

1.02 "Certified Payroll Report" is the form on which a Contractor certifies the number of hours worked by each of its employees on a contract. The Report shall be U.S. Department of Labor form WH-347, or its equivalent, and in a format specified by the Director.

1.03 "Construction Worker Hours", as defined in Section 188.01(c), excludes the hours worked by a Contractor's or Subcontractor's employee if the employee:

(a) is not a Skilled or Unskilled Construction Trade Worker; or

(b) is not performing work customarily performed on a construction site whether or not the employee is a Skilled or Unskilled Construction Trade Worker.

(c) is a verified non-Ohio Resident as defined in Section 1.04 of these Standards.

1.04 "Non-Ohio Resident" means persons domiciled outside the boundaries of the State of Ohio. Domicile is an individual's one and only true, fixed and permanent home and principal establishment. The Director will presume that all workers are Ohio residents unless the contractor proves that the worker is a non-Ohio Resident in the manner described in 4.02(a).

1.05 "Referral Source" means a company or agency that the Director has designated as a source from which a Contractor may seek referrals of Residents or Low Income Persons to work on a Construction Contract. The Director will identify each Referral Source as either a Core Source or an Other Source.

1.06 "Referral Source List" is the list of companies and agencies approved by the Director, as described in Section 1.05 of these Standards. This list includes both Core Sources and Other Sources.

1.07 "Referral Source Verification" is the form, prescribed by the Director and completed by a Referral Source, that a Contractor must submit with a Request for Reduction to document its efforts to obtain referrals of Residents and Low Income Persons from Referral Sources.

1.08 "Request for Reduction" is the form that a Contractor must complete and submit to seek a reduction of the Resident Employment Requirement.

1.09 "Resident Construction Worker Hours" means the number of Construction Worker Hours worked by Residents on a Construction Contract, and includes the number of hours worked by Residents working for the Contractor on contracts not governed by Chapter 188.

1.10 "Resident Employment Requirement" means the percentage of Construction Worker Hours Residents must work as required by Section 188.02.

1.11 "Serve" or "Service" means to give notice by certified mail.

1.12 "Skilled and Unskilled Construction Trade Worker" includes all workers who fit the definition in Section 188.01 whether or not they are union workers.

1.13 "Subcontractor(s)" as defined in 188.01 includes all person, firms, or companies that agree by contract to perform any of the work of the Contractor.

1.14 "Work Force Submission Schedule" is the Schedule of dates, each month, when the Work Force Table is due, as determined by the Director.

1.15 "Work Force Table" is a document identifying the estimated

numbers and job classifications of various Skilled and Unskilled Construction Trade Workers that a Contractor will employ during the performance of a Construction Contract, separately showing job classification, month, Residents and Low Income Persons.

1.16 All references in these Standards and Procedures to section or chapter refer to a section or chapter of the Codified Ordinances of Cleveland, Ohio 1976 (C.O.) unless otherwise noted.

**ARTICLE II. EMPLOYMENT OF
CITY RESIDENTS**

2.01 Contractors must keep proof of the residency of each worker whose hours they wish to count toward the Resident Employment Requirement, as explained in Section 4.02(a) of these Standards. The Resident Construction Worker Hours is divided by the Construction Worker Hours to determine if the Contractor has met the Resident Employment Requirement.

2.02 Contractor must use significant efforts in seeking to hire Low Income Persons. To demonstrate significant efforts, a Contractor must:

(a) Notify appropriate Referral Sources within an appropriate time of its need for Low Income Persons; or

(b) Solicit a sufficient number of Low Income Persons, including those referred, to perform the work identified in the bid specifications; and

(c) have received no referrals or an insufficient number of referrals to enable it to meet the Low Income Person requirement, and have been unsuccessful in soliciting a sufficient number of Residents Low Income Persons to perform the work, although it received a sufficient number of referrals from the sources notified.

A potential Contractor or Contractor provides timely notice of the need for Low Income Persons to Referral Sources by giving written notice no less than ten (10) business days prior to its requirement for employee(s) to work on the Construction Contract. The Referral Sources notified shall include at least three (3) of the Core Sources identified in the Referral Source List plus any one (1) Other Source on the list. If the Contractor seeks a reduction in the Low Income Persons objective, it shall document its efforts by submitting to the Director with its Request for Reduction a Referral Source Verification completed and signed by each source notified showing either the inability to refer any Low Income Persons or listing the Low Income Persons referred, and providing any comments the source may have regarding the request or the availability of referrals. If a source referred Low Income Persons, the potential Contractor or Contractor shall specify the date, time and method of each of its unsuccessful solicitations of a Low Income Person to work and the reason(s) it was unsuccessful. The Contractor may not limit its

request for referrals to skilled construction trades.

2.03 The Low Income Persons objective is no less than 4% of the Resident Construction Worker Hours. A Contractor is not required to hire Low Income Persons for 4% of all the Construction Worker Hours.

2.04 The hours a Resident works, between the start date and the substantial completion date of a Construction Contract, for a Contractor or its Subcontractor(s) on a project other than the Construction Contract between the City and the Contractor, count toward the Resident Employment Requirement.

2.05 Any Contractor that seeks to count Cleveland Residents working on a project for that Contractor other than its Construction Contract with the City may only count hours worked by a Resident towards one Construction Contract, regardless of the number of the Contractor's contemporaneous Construction Contracts. The Contractor must submit the same proof of residence for those Residents as is required in section 4.02 (a) of these Standards.

2.06 Any Contractor that seeks to count the hours worked by a Resident who graduated from an established pre-apprenticeship program may only count hours worked by the Resident towards one Construction Contract regardless of the Contractor's contemporaneous Construction Contracts. The Contractor must submit the same proof of residence for that Resident as is required by 4.02 (a).

2.07 A Contractor that seeks to count the hours of a Resident working on a project for the Contractor other than the Construction Contract between the City and the Contractor must:

(a) submit certified payrolls documenting the project, date(s) and number(s) of hours worked by the Resident for whom the Contractor wishes to receive credit; and

(b) submit the certified payrolls at the same time and in the same manner as the other certified payrolls Chapter 188 requires the Contractor to submit.

2.04 A Contractor may only count the hours worked by a Resident on any one Construction Contract towards that Construction Contract, regardless of the number of Contractor's contemporaneous Construction Contracts.

2.05 Contractors may employ as many additional Residents as they desire above the Resident Employment Requirement.

2.06 With regard to the Work Force Table, the Contractor must submit:

(a) it on the form provided by the Director;

(b) it in electronic format unless the Director makes an express written exception;

(c) the initial Work Force Table to the Director within ten (10) work-

ing days of the receipt of the letter from the Director requesting it; and

(d) and revise the initial Work Force Table at least once a month on the due dates in the currently effective Work Force Table Submission Schedule, or more frequently as necessary to reflect the actual work force or if the Director requests revisions.

ARTICLE III. REDUCTIONS; NO WAIVER

3.01 The Director may reduce the minimum percentage of Construction Worker Hours that Section 188.02 requires to be performed by Residents employed or to be employed by a Contractor or potential Contractor on a Construction Contract only upon the Contractor's written request and demonstration of the high impracticality of complying with that percentage for a particular contract or contracts or classes of employees, or upon the occurrence of serious unforeseen circumstances, as applicable.

3.02 Request.

(a) A potential Contractor may request a reduction in the Resident Employment Requirement before construction when there is a high impracticality of complying. During construction, a Contractor may request a reduction in the Resident Employment Requirement based upon either High Impracticality or serious unforeseen circumstances.

(b) The potential Contractor or Contractor shall include with its Request for Reduction documentation satisfactory to the Director demonstrating the high impracticality or serious unforeseen circumstance(s) upon which it bases its request.

3.03 Form of Request.

The potential Contractor or Contractor shall make any reduction request on a form of affidavit prescribed by the Director.

3.04 High Impracticality.

High impracticality exists when a potential Contractor or Contractor has made efforts to the greatest extent feasible to:

(a) Notify appropriate sources of referrals within an appropriate time of its need for Residents; or

(b) Solicit a sufficient number of Residents, including those referred, to perform the work identified in the bid specifications;

and it has received no referrals or an insufficient number of referrals to enable it to meet the Resident Employment requirement, or it has been unsuccessful in soliciting a sufficient number of Residents to perform the work, although it received a sufficient number of referrals from the sources notified.

3.05 Seeking Referrals.

A potential Contractor or Contractor provides timely notice of the need for Residents to appropriate

Referral Sources by giving written notice no less than ten business (10) days prior to its requirement for employee(s) to work on the Construction Contract. The Referral Sources notified shall include at least five (5) of the Core Sources identified in the Referral Source List plus any two (2) Other Sources on the list. If the potential Contractor or Contractor seeks a reduction in the Resident Employment Requirement, it shall document its efforts by submitting to the Director with its Request for Reduction a Referral Source Verification completed and signed by each source notified showing either the inability to refer any Residents or listing the Residents referred, and providing any comments the source may have regarding the request or the availability of referrals. If a Referral Source referred Residents, the potential Contractor or Contractor shall specify the date, time and method of each of its unsuccessful solicitations of a Resident to work and the reason(s) it was unsuccessful.

3.06 Serious Unforeseen Circumstances.

"Serious unforeseen circumstances" are events occurring after submission of a bid, including but not limited to new governmental regulations, national or natural disasters, war and/or other disastrous events and other occurrences beyond control of the potential Contractor or Contractor such as unavailability of Residents for particular trade(s) or craft(s) needed for the Contract and approved change orders changing the Contract scope of work. Those circumstances must prevent the potential Contractor or Contractor from employing sufficient Residents to meet the Resident Employment requirement. If the Contractor has started the construction work under the Contract or any other concurrent contract under which the Contractor employs Residents, the circumstances must prevent the Contractor from meeting the Resident Employment Requirement.

3.07 Evaluation of a Request for Reduction; Determination.

In evaluating a reduction request, the Director shall determine whether a Contractor or Subcontractor has made efforts to the greatest extent feasible to meet the Resident Employment requirement. The Director will consider it has exerted such efforts if it has:

(a) timely sought referrals from sources in the Referral Source List;

(b) solicited the Residents referred; and

(c) documented its efforts to the Director's satisfaction.

The Director may also consider any comment a Referral Source may make regarding the request and any other factors he considers relevant to his determination. The Director shall evaluate each Request for Reduction and issue a determination on it within ten (10) business days after receiving it.

The Director may consider a reduction appropriate when a Contractor or potential Contractor has made efforts to the greatest extent feasible to meet the Resident Employment Requirement, but has been unsuccessful in doing so. Those unsuccessful efforts satisfactorily demonstrate high impracticality.

3.08 No Waiver of Requirement.

The Director may not waive the entire Resident Employment Requirement of Chapter 188 by granting one or more reduction requests, or by any other means.

ARTICLE IV. MONITORING; RECORDS AND REPORTING

4.01 Monitoring

The Director must separately monitor Contractors' and Subcontractors' use of Residents in Skilled and Unskilled Construction Trade Worker positions on each Construction Contract. He must report his findings in writing to the City Council Clerk, the City Council President and to the City Council Employment, Affirmative Action and Training Committee bi-monthly.

4.02 Contractor's Obligation to Maintain Records

The Contractor must maintain all records that document its employment of Residents and Low Income Persons under each Construction Contract and under all its contemporaneous contracts from which it counts Residents toward the requirements of Chapter 188 for Resident Employment and the Low Income Persons employment. The Contractor and all its Subcontractors must maintain copies of all documents that support and demonstrate the actual residence of record of every Resident and the Low Income status of every Low Income Person the Contractor and all its Subcontractors employ. Each Contractor is responsible to ensure that its Subcontractors maintain all required personnel documents.

(a) Residence of Record Documents

Documents that demonstrate the residence of record of a Resident are, at least two of the three following documents:

(1) a driver's license or a federal, state, or local government or government agency with a color photograph of the Resident; or

(2) a Voter's Registration Card; or

(3) a utility bill showing the Resident's name and address and other documents that the Director determines establish residence.

When the Director has reason to doubt, or there is a lack of clarity, whether an employee is a Resident of the City, the Director may, without advance notice, require the Contractor or Subcontractor to provide affidavits or other documentation either identified in the List of Approved Residency Documents or otherwise satisfactory to the Director as sufficient to support the claim of residence.

(b) Low Income Persons Documents

Documents that verify the status of a Resident as a Low Income Person are, at least, an award letter or other record document showing entitlement to unemployment compensation, Veteran's Administration, Workers' Compensation, Social Security, Social Security I, Welfare, Retirement or other similar benefits and the name, address, telephone and fax numbers of the Resident's employer, if any, and indicating the Resident's actual income for the twelve (12) months prior to the hire date. Low Income Persons verification may also include other documents that the Director determines verify Low Income status.

(c) Certified Payroll Reports

The Contractor must submit certified payroll reports to the Director monthly during the performance of every Construction Contract, in the form of U.S. Department of Labor form WH-347 or equivalent, as determined by the Director, and in an electronic computer format prescribed by the Director in the Invitation to Bid for the Construction Contract. The certified payroll report must clearly identify the actual residence of every employee on each certified payroll and, the first time an employee's name appears on a payroll, must include after his or her name the employee's hire date. A post office box as an employee's address in a Certified Payroll Report is not sufficient to verify that an employee is a Resident.

(d) Report Format

The Contractor shall submit all required reports in electronic format unless the Director permits otherwise.

4.03 Records Retention And Access

(a) Retention.

A Contractor and Subcontractor working on a City Construction Contract must maintain and retain during performance of the contract and for three (3) years after final completion of the work the personnel and residence data required by the Resident Employment Law or otherwise relevant, as determined by the Director, to establish the employment, the residence of record, or Low Income status, as applicable, of each person it employs to perform work under the contract. "Final completion of the work" means and includes the completion of all contract work and expiration of the one-year guarantee period after completion required by Section 185.40 C.O. If there are audit irregularities in the records, the Director may extend the retention period in writing as he determines necessary.

(b) Access.

Every Contractor and Subcontractor working on a City Construction Contract must grant, upon demand without notice, full, unrestricted access to the Director, his designated agents, the City Chief of Police or any of their authorized represen-

tatives, of the Contractor's or Subcontractor's employment records that the Director determines document compliance with the requirements of the Resident Employment Law, as implemented by these Standards and Procedures.

4.04 Contractor's Resident Employment Officer

The Contractor must designate a principal officer (the "Resident Employment Officer") of its organization as the person responsible for administering the requirements that Chapter 188 imposes on the Contractor and its Subcontractors under a Construction Contract and as the principal liaison and point of communication with the City. The Resident Employment Officer must meet with the Director or his designee first before the start of construction and, after that meeting, at least quarterly and as requested by the Director. The Resident Employment Officer will work with the Director or his designee to ensure the Contractor's and its Subcontractors' compliance with the Resident Employment Law. The Director may notify the Contractor whenever, during the Construction Contract, the Director believes the Contractor may not meet any Resident Employment Law obligation. The Contractor has primary responsibility for meeting the Law's requirements and goals; appointment of a Resident Employment Officer does not relieve it of that responsibility.

ARTICLE V. RESIDENCY CONSTRUCTION ADVISORY COMMITTEE

The Residency Construction Advisory Committee (the "Committee") authorized by the Resident Employment Law may organize itself, including adopting by-laws, as necessary to further the intent and purpose of the Resident Employment Law. The Committee may make recommendations to the Director for modifications or revisions to these Standards and Procedures.

ARTICLE VI. VIOLATION AND PENALTY

6.01 Upon the final acceptance of the Construction Contract work by the user department director under Section 185.39, the Director will consider the work completed and will determine whether the Contractor has achieved the Resident Employment Requirement. If the Director determines that the Contractor has not then achieved the Requirement, as reduced by any reduction the Director previously granted, the Contractor has breached its obligation to meet the Requirement. For the breach, the Contractor shall pay the City a penalty of one-eighth of one percent of the final total amount of the Construction Contract for each full percentage point by which the Contractor has fallen short of achieving the Resident Employment Requirement.

6.02 If the Contractor fails to meet the Low Income Persons objective, the Director shall determine if a penalty is appropriate. A penalty is appropriate if the Contractor has not

used significant efforts to hire Low Income People, as described in Section 2.02 of these Standards.

6.03 If the Director determines that a penalty is appropriate for a Contractor's failure to meet the Low Income Persons objective, the Contractor shall pay one-eighth of one percent of the final total amount of the Construction Contract for each percentage of shortfall toward the Low Income Persons objective.

6.04 Failure to submit Work Force Table or any of the reports required by Section 188.04 shall be a breach of the Construction Contract. A Contractor has failed to submit a required report when:

(a) for reports requested by the Director, a Contractor does not submit the report within ten (10) working days of the Contractor's receipt of the Director's request.

(b) for reports the Contractor is responsible to update, the update is not submitted when it is due.

The penalty for failure to submit a Work Force Table or reports is the maximum penalty described in Section 6.03 of these Standards. The Director must calculate the penalty as if no Residents had been employed on the Construction Contract.

6.05 (a) Knowing falsification by the Contractor of any reports, statements, or payroll certifications is a breach of the Construction Contract and a misdemeanor of the First Degree.

(b) The penalty for breach is the penalty in Section 6.01 of these Standards. The Director must calculate the penalty as if no Residents had been employed on the project.

(c) If the Director finds evidence of knowing falsification, he shall submit that evidence to the City Prosecutor. Any Contractor convicted of knowing falsification under Chapter 188 shall be barred from contracting with the City for five years on any Construction Contract.

6.06 Any person who knowingly supplies false information to establish that the person is a Resident for purposes of Chapter 188 is guilty of a misdemeanor of the first degree. If the Director has information that a person has knowingly supplied false information to establish that he or she is a Resident, the Director shall report that information to the prosecutor. Anyone convicted of knowingly supplying false information to establish that the person is a Resident is barred from working on a Construction Contract for five (5) years. The Director will keep a list of all persons barred from working on a Construction Contract. The Contractor is responsible to ensure that it does not employ any persons on the list.

6.07 Any violation of Chapter 188 may also result in the City imposing a requirement that the Contractor post a surety bond or other appropriate security in an amount that is twenty percent (20%) of the contract price for any subsequent

contract awarded to the Contractor within five years of a violation. This bond requirement shall be in addition to any other surety bond requirements in the Codified Ordinances. The Director will make a recommendation about whether or not to impose the surety bond requirement to the department director(s) entering into the Construction Contract on behalf of the City.

6.08 Miscellaneous

(a) With or without the recommendation of the Director, the department director(s) that entered into the Construction Contract may withhold any retainage pending a determination of whether or not the Contractor must pay a penalty, even beyond expiration of the guarantee period. The Construction Contract department director(s) may withhold this retainage for such time as necessary for the Director to make a determination as to whether or not to impose a penalty on the Contractor, and to ensure payment of the penalty.

(b) The City may choose to pursue other claims not covered in Chapter 188 against any Contractor. The Director's imposition of a penalty or fine under this Chapter does not preclude the City from exercising any other rights or remedies. The fact that the Director has not imposed a penalty or fine under the Resident Employment Law is not a waiver of the City's right to pursue other claims against the Contractor.

(c) The Director is responsible for enforcement of a Contractor's compliance with its obligations under the Resident Employment Law.

6.09 Deposit of Funds. In order to use the funds deposited into this special account, the Director will have to obtain legislative authority for any use for which he would normally be required to obtain legislative authority.

ARTICLE VII. HEARING; APPEAL PROCESS

7.01. A Contractor or Subcontractor timely appeals a written finding by the Director or his designee that the contractor or subcontractor is not demonstrating that it will employ or has employed a sufficient number of Residents to meet the Resident Employment Requirement on the Project, or that a Contractor or Subcontractor has not sufficiently demonstrated that an employee of the Contractor or Subcontractor is a Resident or a Low Income Person, whichever applies, under Article 4.02 of these Standards, if it files its objection to the finding within ten (10) days after receipt. If a Contractor or its Subcontractor files a timely appeal, then the Director must hold a hearing on the appeal not less than five (5) nor more than ten (10) days after the appeal is filed, unless the appellant and the Director agree otherwise. The Director shall serve notice on all interested parties of the date, time, and place for the hearing by certified mail or other method providing proof of receipt

by each interested party. If appellant or other interested party desires to record the proceedings of the hearing, he, she or it may do so at its sole expense.

7.02 Within ten (10) days after the hearing, the Director must issue and serve on the appellant and any other party to the hearing, findings of fact and a determination whether a person is a Resident or a Low Income Person, or whether the contractor or subcontractor is employing or employed a sufficient number of Residents to meet the Resident Employment Requirement on the Construction Contract. If the Director determines that the appellant is or was not in compliance with any provision or requirement of the Resident Employment Law or these Standards, the appropriate contract provisions, or that appellant has misrepresented facts pertinent to its compliance obligations, the Director, in addition to whatever other remedies may be available with respect to the Director's findings and any other defaults under any contract in question, may take such other action(s) as Section 188.05 permits. The decision of the Director issued after hearing is final. The appellant or any other interested party may appeal to the City Board of Zoning Appeals.

ARTICLE VIII. AUTHORITY OF THE DIRECTOR

The Director of the Office of Equal Opportunity is charged with the responsibility to effectively administer the intent and purpose of Chapter 188 C.O., the Fannie M. Lewis Cleveland Resident Employment Law, consistent with its provisions.

ARTICLE IX. SEVERABILITY

If any provision of these Standards or their application to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

ARTICLE X. EFFECTIVENESS; MODIFICATION

These Standards shall be effective thirty (30) days after publication in the City Record, provided the Director has, at least ten (10) days prior to publication, provided the President of City Council and the Chairperson of the Employment, Affirmative Action and Training Committee with a copy of the proposed Standards. The City Council may, under Section 188.07, amend division (a) of Section 188.02. In addition, the Director may, from time to time or upon recommendation of the Residency Construction Advisory Committee, and working with the Chairperson of the Employment, Affirmative Action and Training Committee of the City Council, create subsequent modifications to these Standards. Modifications will be effective upon compliance with the same procedures as required to make these Standards effective.

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 Wednesday, December 15, 2003
1:30 P.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 Wednesday, December 15, 2003, at 9:00 A.M., to consider the following ordinances now pending in the Council:

Ord. No. 2166-03.

By Council Member Gordon.
An ordinance to change the zoning of properties located on the Northeast corner of Pearl Road and Henninger Road from a Semi Industry Use District to a Local Retail Use District (Map Change No. 2095, Sheet No. 2).

Ord. No. 2167-03.

By Council Member Polensek.
An ordinance to change the zoning of properties located west of Pearl Road, between Brookside Park Drive and Broadview Road from a General Retail Use District to a Local Retail Use District and from a "3" and a "1" Height District to a "2" Height District (Map Change No. 2096, Sheet No. 2).

Ord. No. 2168-03.

By Council Member Polensek.
An ordinance to change the zoning of the easternmost portion of Lake Shore Shopping Plaza, south of Lake Shore Boulevard from a General Retail Use District to a One-Family Residential Use District (Map Change No. 2090, Sheet No. 7).

Ord. No. 2169-03.

By Council Member Polensek.
An ordinance to change the zoning of properties at Margaret Spelacy Junior High School and Saranac Playground, south of Saranac Road and east of East 162nd Street from General and Semi-Industry Districts to a Two-Family District and to change the Height District from "3" to "1". (Map Change No. 2086, Sheet No. 7).

Ord. No. 2170-03.

By Council Member Polensek.
An ordinance to change the zoning of the Lake Shore Shopping Plaza, south of Lake Shore Boulevard between East 156th Street and East 161st Street from a General Retail Use District to a Shopping Center Use District (Map Change No. 2089, Sheet No. 7).

Ord. No. 2171-03.

By Council Member Polensek.
An ordinance to change the zoning of properties at the Northwest corner of Damon Avenue and East

156th Street from a General Retail Use District to a Two-Family Use District; from a "C" Area District to a "B" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2094, Sheet No. 7).

Ord. No. 2172-03.

By Council Member Polensek.
An ordinance to change the zoning of properties south of Saranac Road, between East 154th Place and East 156th Street from a General Retail Use District to a Local Retail Use District (Map Change No. 2091, Sheet No. 7).

Ord. No. 2249-03.

By Council Member Polensek.
An ordinance to change the zoning of properties south of Saranac Road, between East 159th Street and East 162nd Street from a General Retail Use District to a Multi-Family Use District (Map Change No. 2093, Sheet No. 7)

Ord. No. 2250-03.

By Council Member Dolan.
An ordinance to change the zoning of property located at the northwest corner of West 168th Street and Albers Avenue from a Local Retail Use District to a Parking District and from a "2" Height District to a "1" Height District (Map Change No. 2097, Sheet No. 12)

Ord. No. 2251-03.

By Council Member Gordon.
An ordinance to change the zoning of properties located west of Pearl Road, between Broadview Road and Memphis Avenue from a General Retail Use District and Multi-Family Use District to a Local Retail Use District and from a "3" and a "1" Height District to a "2" Height District (Map Change No. 2100, Sheet No. 2)

Ord. No. 2252-03.

By Council Member Polensek.
An ordinance to change the zoning of properties south of Saranac Road, between East 156th Street and East 159th Street from a General Retail Use District to a Two-Family Use District (Map Change No. 2092, Sheet No. 7)

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 26, 2003 and December 3, 2003

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, DECEMBER 5, 2003

Various Traffic Signal Components, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 371-03, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 28, 2003 AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44144.

November 19, 2003 and November 26, 2003

WEDNESDAY, DECEMBER 10, 2003

One (1) 10.5-Cubic Yards Concrete Mixer Body, for Various Divisions, Departments of Public Service, Parks, Recreation & Properties, and Public Safety, as authorized by Ordinance No. 1845-02, passed by the Council of the City of Cleveland, October 7, 2002.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, DECEMBER 1, 2003 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

Accessories and Equipment for Upfitting Vehicles/Equipment, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, DECEMBER 1, 2003 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Utility Truckster w/Box Bed, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, DECEMBER 1, 2003 AT 4:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

November 19, 2003 and November 26, 2003

THURSDAY, DECEMBER 11, 2003

Labor and Materials Necessary to Maintain & Repair Automatic Doors, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 1162-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, DECEMBER 3, 2003 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

November 19, 2003 and November 26, 2003

FRIDAY, DECEMBER 19, 2003

Euclid Corridor Water Main and Sewer Replacement Project — Phase I, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2451-02, passed by the Council of the City of Cleveland, April 14, 2003.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, DECEMBER 5, 2003 AT 10:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

November 19, 2003 and November 26, 2003

WEDNESDAY, DECEMBER 31, 2003

Purchases of Replacement Parts and Equipment Necessary for the Operation of the SCADA Systems, (including but not limited to Computer Hardware, Radio Equipment and Sensing-Related Devices), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1954-01, passed by the Council of the City of Cleveland, December 3, 2001.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, DECEMBER 3, 2003 AT 10:00 A.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

November 19, 2003 and November 26, 2003

THURSDAY, DECEMBER 11, 2003

Manhole Riser, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 429-03, passed by the Council of the City of Cleveland, May 12, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, DECEMBER 4, 2003 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 25, CLEVELAND, OHIO 44144.

November 26, 2003 and December 3, 2003

FRIDAY, DECEMBER 12, 2003

Long Distance, for the Division of Information Technology and Services, Department of Finance as authorized by Ordinance No. 1681-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; THURSDAY, DECEMBER 4, 2003 AT 1:00 P.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 1404 EAST 9TH ST., 4TH FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44144.

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

Pipe Repair Couplings, for the Division of Water, Department of Public Utilities, as authorized by Section 129-25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; FRIDAY, DECEMBER 5, 2003 AT 2:00 P.M., DIVISION OF WATER DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

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

Two (2) 60' Aerial Devices, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, DECEMBER 8, 2003 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 410 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105

November 26, 2003 and December 3, 2003

WEDNESDAY, DECEMBER 17, 2003

Maintenance of City Telephones, Products and Ancillary Equipment, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 1713-02, passed by the Council of the City of Cleveland, September 16, 2002.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; MONDAY, DECEMBER 8, 2003 AT 1:30 P.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 1404 EAST 9TH ST., 4TH FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44144.

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

November 26, 2003 and December 3, 2003

THURSDAY, DECEMBER 18, 2003

HVAC and Fire Alarm Replacement, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 838-02, passed by the Council of the City of Cleveland, June 10, 2002.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, DECEMBER 9, 2003 AT 10:00 A.M., HOUSE OF CORRECTION — VISITATION ROOM, 4041 NORTHFIELD RD., HIGHLAND HILLS, OHIO 44102.

November 26, 2003 and December 3, 2003

FRIDAY, DECEMBER 19, 2003

Bunker Gear, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 545-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, DECEMBER 10, 2003 AT 2:00 P.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

November 26, 2003 and December 3, 2003

WEDNESDAY, DECEMBER 31, 2003

Purchases of SCADA System Computer Software, Software Upgrades and Support Software and Software Implementation and Authorization to Employ Professional Consultants to Perform System Changes, Configuration, Programming, Tuning and Upgrades to the SCADA Systems, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1953-01 and 1951-03, passed by the Council of the City of Cleveland, December 3, 2001 and April 25, 2002.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, DECEMBER 3, 2003 AT 10:00 A.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

November 26, 2003 and December 3, 2003

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1706-03.

By Council Member Westbrook (by request).

An emergency resolution declaring the intention to vacate a portion of West 101st Place.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of West 101st Place., as hereinafter described; and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 it hereby declares its intention to vacate a portion of the following described real property: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being known as all that portion of: WEST 101st PLACE (12.00 feet wide) extending from the Northerly line of Fidelity Avenue S.W. (60.00 feet wide) Northerly to the Southerly line of Almira Avenue S.W. (60.00 feet wide)

Section 2. That 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 17, 2003.
Effective November 19, 2003.

Res. No. 1856-03.

By Council Member Cintron (by request).

An emergency resolution declaring the intention to vacate a portion of West 37th Place.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of West 37th Place, as hereinafter 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 it hereby declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and described as follows:

WEST 37TH PLACE (10.00 feet wide) extending Southerly from the Southerly line of Chatham Avenue S.W.(50.00 feet wide) to that portion of West 37th Place vacated by the Council of the City of Cleveland by Ordinance Number 1977-02, passed November 25, 2002.

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 17, 2003.
Effective November 19, 2003.

Res. No. 1905-03.

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

An emergency resolution acknowledging the role that the "Amber Alert" system provides in assisting law enforcement agencies with child kidnapping situations and stating the Public Safety Committee's intention to hold a hearing reviewing the City of Cleveland's "Amber Alert" system.

Whereas, "Amber Alert" is a missing child response program that utilizes the resources of law enforcement and media to notify the public when children are kidnapped; and

Whereas, the "Amber Alert" system was created and developed in response to the tragic 1996 kidnapping and murder of nine-year-old Amber Hagerman in Arlington, Texas; and

Whereas, the "Amber Alert" system is now operational in Ohio; and

Whereas, the "Amber Alert" system may only be implemented by a law enforcement agency; and

Whereas, law enforcement agencies activate an "Amber Alert" by notifying broadcast media of the kidnapping; and

Whereas, upon receipt of an "Amber Alert", radio and television stations interrupt regularly scheduled programming to notify the public that a child has been kidnapped; and

Whereas, the "Amber Alert" system is an effective tool that assists law enforcement in responding to child kidnapping situations; and

Whereas, it is important for this Council to understand the operation of the "Amber Alert" system within the City of Cleveland and to be familiar with the City of Cleveland Department of Public Safety's protocol as it pertains to child kidnapping situations and the decision to issue an "Amber Alert"; and

Whereas, it is appropriate for the Public Safety Committee to hold a hearing and conduct a review of the City of Cleveland's "Amber Alert" system; 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 acknowledges the role that the "Amber Alert" system provides in assisting law enforcement agencies with child kidnapping situations and, in order to better understand the use and operation of the "Amber Alert" system, this Council will, through the Public Safety Committee, hold a hearing reviewing the City of Cleveland's "Amber Alert" system.

Section 2. That this Council encourages the Mayor to meet with the Northern Ohio Amber Alert Review Committee to discuss amendments to the "Amber Alert" system.

Section 3. That this Council recommends than an "Amber Alert" be issued whenever a child twelve years of age or younger has been missing for a period of at least twelve hours.

Section 4. That this Council recommends that police command staff be given flexibility to make deci-

sions regarding the issuance of an "Amber Alert" in any case involving a missing child.

Section 5. That this Council recommends the use of flexibility in considering factors such as a change in the usual and customary pattern of behavior of a missing child, and the time limit used to determine whether an "Amber Alert" should be issued.

Section 6. That this Council recommends that the Northern Ohio Amber Alert Review Committee reconsider the criteria of a "sighted abduction" prior to the issuance of an "Amber Alert."

Section 7. That this Council recommends that an "Amber Alert" be issued whenever a mentally-challenged child of any age has been missing for any period of time.

Section 8. 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 17, 2003.
Effective November 19, 2003.

Res. No. 2256-03.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 4114 John Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from LDJ Foods, Inc., 1st & 2nd Floors and Basement and Patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 4949425 to Two Bridges Tavern, Inc., DBA Two Bridges Tavern, Inc., 1st & 2nd Floors and Basement and Patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 9122325; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from LDJ Foods, Inc., 1st & 2nd Floors and Basement and Patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 4949425 to Two Bridges Tavern, Inc., DBA Two Bridges Tavern, Inc., 1st & 2nd Floors and Basement and Patio, 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 9122325; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 17, 2003.
Effective November 19, 2003.

Res. No. 2257-03.
By Council Members Cintron, Coats, Westbrook and Dolan.
An emergency resolution opposing the Free Trade Area of the Americas trade agreement.

Whereas, the Free Trade Area of the Americas ("FTAA") is an effort to unite the economies of the Western Hemisphere into a single Free Trade Zone; and

Whereas, the FTAA is an expansion of the North American Free Trade Agreement ("NAFTA"); and

Whereas, negotiations surrounding the FTAA have not occurred in a forum that provides for effective public evaluation and input; and

Whereas, like NAFTA, the FTAA contains an investment clause that provides corporations the right to sue foreign governments for compensation if they believe corporate investments have been harmed by "regulatory takings"; and

Whereas, this provision and other provisions in the FTAA will threaten clean air, clean water, and the preservation of ecosystems; and

Whereas, the FTAA does not protect the right of employees to organize and bargain collectively; and

Whereas, trade ministers from thirty-four nations are scheduled to meet in Miami, Florida to negotiate the FTAA on November 20th and November 21st; and

Whereas, demonstrations are being planned by organized labor in Miami to express growing opposition to the FTAA; and

Whereas, rallies and marches are being planned throughout the United States to support fair trade, not the FTAA; and

Whereas, the Cleveland AFL-CIO and other groups will hold one such rally and march in Public Square in Cleveland on Thursday, November 20th; and

Whereas, free trade agreements should ensure decent wages and working conditions, affordable services, and adequate enforcement of environmental, health, and safety laws for all workers; 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 is opposed to the proposed Free Trade Area of the Americas trade agreement.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown, and Congressman Steven LaTourette.

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 17, 2003.
Effective November 19, 2003.

Res. No. 2258-03.
By Council Members Coats, Cintron, Westbrook, Gordon, Polensek and Dolan.
An emergency resolution encouraging the Bush Administration to continue the protective steel tariffs and allow the protective steel tariffs to operate through their original three year term.

Whereas, the proud tradition of steelmaking is a vital part of our community's history and identity, and our local economy is still largely linked to the steel industry as a provider of quality jobs; and

Whereas, a thorough Section 201 investigation by the International Trade Commission ("ITC") concluded that American steel companies, communities, families and other non-steel manufacturing operations were injured as a result of illegally-dumped foreign steel, and the ITC recommended immediate action by the U.S. Department of Commerce to curb the illegal dumping of foreign steel in U.S. markets; and

Whereas, after receiving the ITC's report and carefully considering a number of remedies, the Department of Commerce and the Bush Administration instituted limited tariffs on specific steel products for a period of three years; and

Whereas, the World Trade Organization has determined that these limited tariffs violate global trade rules; and

Whereas, the World Trade Organization ruling becomes final in December; and

Whereas, the Bush Administration has not yet decided whether or not to lift the tariffs; and

Whereas, enactment of the tariffs has slowed the illegal dumping of foreign steel and allowed American steelmakers and their employees to partially recover from the crises sparked in 1998 by illegally dumped foreign steel; and

Whereas, if the steel industry is to survive, recovery must be able to continue; and

Whereas, the American steel industry is currently in a state of wide-scale restructuring and consolidation that will eventually enable the remaining American steel companies to compete effectively in an increasingly global marketplace; and

Whereas, this Council supports the continuation of these protective tariffs through their original three year term; and

Whereas, premature ending of these protective tariffs will have devastating consequences in the Cleveland area as many individuals, families, and business rely on the steel manufacturing industry and related industries for jobs and business; and

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

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

Section 1. That the Council hereby encourages the Bush Administration to continue the protective steel tariffs and allow the protective steel tariffs to operate through their original three year term.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to President George W. Bush and the United States Secretary of Commerce.

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 17, 2003.
Effective November 19, 2003.

Res. No. 2259-03.
By Council Members Zone, Cimperman, Westbrook, Pierce Scott and Polensek.
An emergency resolution urging the state legislature, when considering Sub. H.B. No. 218 regarding the state coastal management program, to ensure that any project or activity affecting the coastal area of Lake Erie comply with any legally applicable regulations of the local municipal authority.

Whereas, on November 13, 2003, the state House of Representatives introduced substitute House Bill 218; and

Whereas, Sub. H.B. 218 speaks to the state's coastal management program and its effect on the rights of property owners on Lake Erie relative to construction of permanent structures on such property; and

Whereas, the use of all property fronting Lake Erie is of great interest and concern to local municipalities located on the lake; 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 state legislature, when considering Sub. H.B. No. 218 regarding the state coastal management program, to ensure that any project or activity affecting the coastal area of Lake Erie comply with any legally applicable regulations of the local municipal authority.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to all members of the state legislature.

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 17, 2003.

Effective November 19, 2003.

Ord. No. 1976-02.

By Council Member Cimperman.

An emergency ordinance to vacate a portion of East 51st Place hereinafter described.

Whereas, on the day of August 15, 2001, the Council of the City of Cleveland adopted Resolution No. 1590-01 declaring its intention to vacate a portion of East 51st Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1590-01 has been served upon the owners of all the property abutting East 51st Place affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of East 51st Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 51st Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of East 51st Place (30 feet wide), extending Southerly from that portion of East 51st Place vacated by the Council of the City of Cleveland by Ordinance Number 1758-53, passed June 29, 1953, to its Southerly terminus, be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga

County of the vacation of all that portion of East 51st Place, herein provided by sending him a copy of this Ordinance.

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 694-03.

By Council Member Westbrook.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1331 West 95th Street to Cudell Improvement, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 001-07-008, as more fully described below, to Cudell Improvement, Inc..

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

P. P. No. 001-07-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the L.H. Ware Subdivision of part of Original Brooklyn Township Lot No. 12, as shown by the recorded plat in Volume 18 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 95th Street and extending back 156.91 feet on the Northerly line, 156.10 feet on the Southerly line, and has a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 776-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Birchdale Avenue to Bernice McIntyre.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-16-036, as more fully described below, to Bernice McIntyre.

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

P. P. No. 107-16-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in the Lorenzo Janes Subdivision of a part of Original One Hundred Acre Lot No. 392 as shown by the recorded plat of said Subdivision in Volume 28 of Maps, Page 17 of Cuyahoga County Records. Said Sublot No. 89 has a frontage of 40 feet on the Southerly side of Birchdale Avenue, N.E., (formerly Oren Street)

and extends back 59-89/100 feet on the Westerly line and 59-76/100 feet on the Easterly line and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

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

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

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

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 1177-03.
By Council Members Polensek, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance declaring various properties located on St. Clair Avenue, Saranac Road, and East 162nd Street blighted premises under Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell the premises to Collinwood & Nottingham Villages Development Corporation.

Whereas, this ordinance constitutes an emergency measure providing for 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 the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976 ("Codified Ordinances"), including obtaining the consent of the Council member in whose ward the premises are located, the Director of Community Development has found and determined that the following are blighted premises as defined by Section 324.03 of the Codified Ordinances, because the blighted premises

es have been condemned under the Codified Ordinances:

15601-03 St. Clair Avenue,
Permanent Parcel No. 115-24-048
Owner of Record:
Robert A. Contorno

15710 St. Clair Avenue,
Permanent Parcel Nos. 115-28-001,
115-28-002, 115-28-003 and 115-28-004
Owner of Record:
John Canzone

707-711 East 162nd Street,
Permanent Parcel Nos. 116-14-094
and 116-14-095
Owner of Record: Kevin L. Smith
and Felicia Jackson

705 East 162nd Street,
Permanent Parcel No. 116-14-096
Owner of Record: John Henry Ball, Jr.

Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owners of the blighted premises have not responded to a lawful order by the City to take action to eliminate its recurrence within 30 days after due notice.

Section 2. That a public hearing was held in accordance and compliance with the requirements of Section 324.08 and 324.09 of the Codified Ordinances.

Section 3. That, based upon the above factors set forth in Section 1 and compliance with the public notice requirements set forth in Section 2 of this ordinance, this Council, as required by Sections 324.10 and 324.11 of the Codified Ordinances, finds and determines that the above described permanent parcels are blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises are necessary in order to eliminate the blight and prevent its recurrence.

Section 4. That, based on the findings and declarations set forth in Sections 1 through 3 of this ordinance, the Director of Community Development is authorized to negotiate the acquisition of the blighted premises from the owners. The blighted premises are more fully described as follows:

15601-03 St. Clair Avenue, N.E.
Permanent Parcel No. 115-24-048
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 28 and 29 in C. W. Moses and E.D. Burton's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat in Volume 9 of Maps, Page 33 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northwesterly line of St. Clair Avenue, N.E., at its intersection with the Easterly line of East 156th Street, (formerly Putnam Street);

Thence Northeasterly along the Northwesterly line of St. Clair Avenue, N.E., about 99 feet to the Southeasterly corner of said Sublot No. 29;

Thence Northerly along the Easterly line of said Sublot No. 29, 171 feet 5 inches to the Northeasterly corner thereof;

Thence Westerly along the Northwesterly line of said Sublots Nos. 28 and 29, 90 feet to the Easterly line of East 156th Street;

Thence Southerly along the Easterly line of East 156th Street, 214

feet 4 inches to the place of beginning, as appears by said plat.

Permanent Parcel Nos. 115-28-001,
002, 003 and 004
15710 St. Clair Avenue

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 76, 77, 78 and 79 in The R. R. and P. P. Company's Five Points Allotment of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 63 of Maps, Page 32 of Cuyahoga County Records, and together forming a parcel of land 180 feet front on the Southeasterly side of St. Clair Avenue N.E., 143.73 feet deep on the Northeasterly line, which is also the Southwesterly line of Rondel Road, N.E., 140.33 feet deep on the Southwesterly line which is also the Northeasterly line of Royal Road N.E., and 179.86 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

707-711 East 162nd Street
Permanent Parcel Nos.
116-14-095 and 094

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and further described as follows:

And known as being Sublot Nos. 140 and 141 in the Crosby's Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 9 of Maps, Page 25, of Cuyahoga County Records, and together forming a parcel of land 82 feet front on the Easterly side of East 162nd Street, and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

705 East 162nd Street
Permanent Parcel No. 116-14-096
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 139 in Crosby's Allotment of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 9 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 162nd Street, (formerly Penn Street), and extending back of equal width 138 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the above described blighted premises.

Section 6. That The Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties described in this ordinance.

Section 7. That the Director of Community Development is authorized to enter into and execute one or more project agreements on behalf of the City of Cleveland with Collinwood & Nottingham Villages Development Corporation for the redevelopment and/or rehabilitation, as defined in Chapter 324 of the Cod-

ified Ordinances, of the blighted premises.

Section 8. That the consideration to be paid for this property shall be fair market value, payable from the fund or funds which are appropriated for this purpose.

Section 9. That the Commissioner of Purchases and Supplies is authorized to convey the blighted properties described in this ordinance to the Developer, for fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 10. That the conveyances shall be made by official deeds to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 11. That the Mayor, Director of Law, and the Director of Community Development are authorized to execute such certifications and documents, and to take other actions which are necessary or appropriate in connection with the carrying out of the terms of the project agreements, and the activities contemplated by Chapter 324 of the Codified Ordinances.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 1356-03.

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

An emergency ordinance to enact Sections 186.01, 186.02, 186.03, 186.04, 186.05, and 186.06, of the Codified Ordinances of Cleveland, Ohio, 1976, relating to public art.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 186.01, 186.02, 186.03, 186.04, 186.05, and 186.06, of the Codified Ordinances of Cleveland, Ohio, 1976, to read as follows:

**CHAPTER 186
PUBLIC ART**

Section 186.01 Purpose

The City of Cleveland establishes a Public Art Program to promote the welfare and prosperity of the community through the experience of

art in public places. The Public Art Program also will accomplish the following purposes:

(a) To give residents of all ages, incomes, backgrounds, and ability levels access to high-quality art as part of daily life in the city;

(b) To give expression to the history, values, identity and diversity of the City, its neighborhoods, its districts, its buildings and places;

(c) To promote the revitalization of the City and its neighborhoods;

(d) To provide opportunities for artists to share their work with the public;

(e) To involve residents in the process of providing public art; and

(f) To integrate public art into the design of buildings and public spaces.

Section 186.02 Applicable Projects

(a) *Project Cost.* Public art shall be required as a part of any of the activities specified in division (b) when those activities are undertaken by the City of Cleveland on property owned by the City and the project cost, as defined in 186.03, is \$350,000 or more. If an ordinance authorizes the City to engage in an activity specified in division (b) where the total project cost is less than \$350,000 and requires public art, the applicable provisions of this chapter shall apply.

(b) *Project Type.* The public art requirement shall apply to the following projects:

(1) construction of a new building or other above-ground structure;

(2) renovation and/or expansion of a building or other above-ground structure if the cost of the work represents more than half the value of the building or structure, excluding the cost of renovating interior areas not accessible to the public;

(3) development or redevelopment of a park or plaza, excluding projects limited to maintenance, repair and/or landscaping; or

(4) development of underground facilities accessible or visible to the public.

(c) *Streetscape Projects.* The public art requirement shall apply to streetscape projects, including the streetscape component of any street reconstruction project. For purposes of calculating project cost for streetscape projects only, the project cost shall include costs covered by funds from which public art is excluded as an object of expenditure.

Section 186.03 Public Art Requirement

(a) *Required Funding.* One and one-half percent (1.5%) of the cost of an applicable project shall be devoted to provision of public art. The calculation of project cost shall include construction costs, including construction management costs, but shall exclude costs for land, interior fixtures and furnishings, architectural fees, engineering fees, and costs covered by funds from which public art is excluded as an object of expenditure. The cost of an applicable project shall be calculated based on the amounts of the executed applicable construction and construction management contracts.

(b) *Qualifying Public Art Projects.* Public art required by the regulations of this chapter may take the form of a discrete object of visual art, such as a sculpture or mural, permanent or temporary in nature, or may take the form of artist-designed functional elements of a project. An artist shall collaborate

on the public art required by the regulations of this chapter.

(c) *Location of Public Art.* Public art required by the regulations of this chapter shall be placed on the site of the applicable project. If the City Planning Commission, in consultation with the Public Art Committee, determines that placement of public art on a particular project site would be inappropriate due to inadequate public visibility or public access, the Commission may select an alternate site to locate the public art. The Commission shall consult with applicable City departments to make this determination.

(d) *Aggregation of Funds.* If the City Planning Commission, in consultation with the Public Art Committee, determines that the purposes of this chapter will best be met by combining the public art funds from two or more applicable projects, the Commission may authorize the execution of a single public art project using the funding from multiple projects. The Commission shall consult with the applicable City departments to determine the location of the public art.

(e) *Ownership of Public Art.* All art located on City property and acquired under the requirements of this Chapter shall be owned by the City of Cleveland, unless other ownership is specified in an ordinance pertaining to a particular public art project.

Section 186.04 Program Administration

(a) *Responsibilities.* The Cleveland City Planning Commission shall administer the Public Art Program, with the assistance of its staff and advisory committee. The Commission's responsibilities shall include, among others, the following:

(1) preparing and adopting guidelines, rules and procedures necessary to implement regulations of this chapter, which guidelines shall include a mechanism for neighborhood resident and stakeholder involvement in the public art selection process;

(2) developing and updating a citywide public art plan that identifies public art opportunities in the City of Cleveland;

(3) establishing and maintaining a registry of materials submitted by artists for consideration by the Public Art Committee;

(4) issuing requests for proposals and conducting the process of selecting artists and artwork for each project;

(5) developing and maintaining an inventory of public art in the City of Cleveland, and producing and disseminating educational and promotional materials regarding these works of art;

(6) ensuring widespread public participation in the Public Art Program;

(7) coordinating public art projects with participating City departments and other participating agencies and organizations;

(8) establishing a schedule and standards for maintenance of public art in consultation with the artist, if feasible; and

(9) providing periodic written reports to the Mayor and to City Council, no less frequently than once every six months, documenting activities, accomplishments and expenditures and demonstrating compliance with the regulations of this chapter.

(b) *Public Art Committee* The City Planning Commission shall establish an advisory committee, to be known as the Public Art Committee, to advise and assist the Commission in conducting the Public Art Program.

(c) *Public Art Committee Membership* The Public Art Committee shall be composed of the following members, each appointed by the Chairman of the City Planning Commission on nomination by the Mayor, unless otherwise stated:

- (1) a visual artist;
- (2) an administrator of an arts organization;
- (3) a recognized expert in the field of public art;
- (4) a City resident active in community affairs;
- (5) a staff member of a City department that engages in projects subject to the provisions of this chapter, who shall be chairperson of the Committee;
- (6) a professional architect or landscape architect;
- (7) a member of Cleveland City Council or its staff, appointed by the President of City Council; and
- (8) two community representatives appointed on a project-specific basis by the City Councilmember in whose ward a public art project has been proposed.

(d) *Committee Members Terms of Appointment.* The term for members of the Public Art Committee shall be two years, except that the initial Committee members described in (2), (4) and (6) of division (c) shall have a one-year term. After that one-year term, the term for the Committee members described in (2), (4) and (6) of division (c) shall be two years. The two community representatives appointed on a project-specific basis shall not have a term, but shall serve on the Committee only for the duration of deliberations on the particular public art project for which they were appointed.

(e) *Committee Meetings.* The Public Art Committee shall meet monthly, except when there is no business to conduct. The meetings shall be conducted under rules and procedures adopted by the Committee and approved by the City Planning Commission.

(f) *Committee Member Compensation.* Members of the Public Art Committee shall not receive monetary compensation for their services to the Committee.

Section 186.05 Selection of Art

(a) *Selection Process.* The City Planning Commission, through its Public Art Committee shall solicit, review and select artwork under the following provisions:

(1) *Community Participation.* The Public Art Committee shall engage local residents, other local stakeholders, and the local City Councilmember in the process of selecting public art for a particular location. As required in Section 186.04, two community representatives appointed by the local Councilmember shall be added to the Committee as voting members for the purpose of project selection.

(2) *Project Concept.* The Committee shall work with the applicable department and the project design team to establish the goals for each public art project, including suitable locations and appropriate formats.

(3) *Selection Method.* The Committee shall recommend to the City Planning Commission the most appropriate method of selecting each

public art project. Possible selection methods include open competition and invitational competition.

(4) *Submission Options.* The Committee shall recommend to the City Planning Commission submission requirements for each public art project.

(5) *Approval.* The Public Art Committee shall make its recommendation for a public art project to the City Planning Commission, which shall make the final determination. Alternatively, the Committee or the Commission may choose to make no selection and to re-open the competition.

(b) *Selection Criteria.* In selecting artwork, the Public Art Committee and the City Planning Commission shall consider, among others, the following factors: artistic quality, appropriateness of the artwork to its context, durability and resistance to the environment and vandalism, safety, feasibility of implementation, and the contribution the art makes to a citywide public art collection that reflects the diversity of the community and a diversity of forms of artistic expression.

(c) *Representation of Local Artists.* It is the intent of the City that at least fifty percent (50%) of the art installed under the regulations of this chapter be created by artists living or working in the City of Cleveland. Achievement of this goal shall be measured in 5-year increments.

Section 186.06 Maintenance and Removal

(a) *Maintenance.* The City department having jurisdiction over the site on which the art has been placed shall maintain public art installed under the regulations of this chapter, unless other maintenance responsibilities are established by City ordinance. All maintenance shall be conducted pursuant to the schedule and standards established by the City Planning Commission.

(b) *Removal.* In the event that a work of art needs to be removed due to its condition, changes to its site, or other factors, the Public Art Committee shall recommend to the City Planning Commission the most appropriate means of removal and disposition, making a reasonable effort to consult with the artist responsible for the artwork.

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 1498-03.

By Council Member Westbrook.

An emergency ordinance to amend Section 551.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, relating to waste collection and disposal and responsibility to provide containers and location of containers.

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

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

Section 1. That Section 551.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, is hereby amended to read as follows:

Section 551.06 Responsibility to Provide Containers and Location of Containers

Sufficient solid waste containers, as set forth in Section 551.02, shall be in conformity with applicable State statutes and local regulations or rules adopted by the Director of Public Service. They shall be provided, kept clean and located as follows:

(a) *Single or Two-Family Dwelling.* Where there are not more than two dwelling units on a single premises where wastes accumulate, each unit occupant shall provide and properly maintain solid waste containers sufficient to house the solid waste for his or her respective unit.

(b) *Multiple Dwellings.* Where there are more than two dwelling units on a single premises where wastes accumulate, the owner of the premises, the lessor or the managing agent shall provide and properly maintain solid waste containers of sufficient capacity to contain the solid waste materials of each dwelling unit.

(c) *Food Service and Food Handling Operations.* Food Service and food handling operations which store solid waste shall do so only in dumpsters, compactors and other containers that are kept and maintained fully closed and airtight at all times, except in the act of loading or unloading, and shall store such waste in accordance with the Ohio Food Service law, local ordinances and rules and regulations adopted by the Director of Public Service. When the Director of Health determines that small containers are used by a food service or food handling operator in such a way as to constitute a public nuisance, he or she shall have the authority to order the use of dumpsters or compactors. In case of such an order, the food service or food handling operator may appeal such order as provided by the City Charter.

(d) *Underground Containers.* After December 16, 1981, no underground solid waste container shall be permitted in the City.

(e) *Location of Containers.* All privately owned solid waste containers shall be located on private property and not on a street, alley, sidewalk, or other public place and stored under the requirements of the Zoning Code. No person shall store a solid waste container in the front of a residential property including on any porch or in the area between the street and the front of a residential structure.

Section 2. That existing Section 551.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, is hereby repealed.

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 1518-03.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install office panels and to break down and reconfigure existing panels, for the Office of Workforce Development, Department of Economic Development.

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

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

Section 1. That the Director of Economic Development is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install office panels and to break down and reconfigure existing panels, for the Office of Workforce Development, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Economic Development.

Section 2. That the cost of the contract or contracts authorized shall not exceed \$43,250.00 and be paid from Fund No. 16 SF 400, Request No. 126015.

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

Passed November 17, 2003.
 Effective November 19, 2003.

Ord. No. 1699-03.
By Council Member Britt.
An emergency ordinance to amend the Title, and Sections 1 and 2 of Ordinance No. 2455-02, passed March 10, 2003, relating to an Encroachment Permit for an Underground Pedestrian Tunnel between Cleveland Clinic Foundation's Office Building/Parking Garage and the Heart Center Building, which will encroach into the right-of-way of Euclid Avenue.

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

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

Section 1. That the Title, and Sections 1 and 2 of Ordinance No. 2455-02, passed March 10, 2003, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach underground and across Euclid Avenue for the construction of a "revised" underground pedestrian tunnel realignment and utility chase to connect the office building/parking garage facilities and the Heart Center Building Entryway.

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of the Council and assignable by the Permittee with the written consent of the Director of Public

Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195; for the construction, use and maintenance of a "revised" underground pedestrian tunnel realignment and utility chase to connect the office building/parking garage facilities and the Heart Center Building Entryway which will encroach across and underground into the public right-of-way of Euclid Avenue at the location described as follows:

ENCROACHMENT/CLEVELAND CLINIC/PEDESTRIAN TUNNEL/EUCLID AVENUE

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, and being a 55.00 foot wide encroachment across the 80.00 foot right-of-way of Euclid Avenue, said encroachment being more particularly described as follows:

Commencing for reference at the nail found at the intersection of the centerline of East 93rd Street and centerline of said Euclid Avenue;

Thence along the centerline of said Euclid Avenue, South 88°-24'-06" West a distance of 69.97 feet to the True point of beginning of the encroachment herein described;

Thence along the East line of the proposed encroachment North 18°-28'-09" West a distance of 41.80 feet to a point on the northerly right-of-way line of said Euclid Avenue;

Thence along said right-of-way line and the North line of the proposed encroachment, South 88°-24'-06" West a distance of 57.47 feet to a point;

Thence along the west line of the proposed encroachment, South 18°-28'-09" East a distance of 83.60 feet to a point on the southerly right-of-way line of said Euclid Avenue;

Thence along said right-of-way line and the south line of the proposed encroachment line North 88°-24'-06" East a distance of 57.47 feet to a point;

Thence along the east line of the proposed encroachment line North 18°-28'-09" West a distance of 41.80 feet to the True point of beginning and containing 0.106 acres, more or less;

The elevation of pedestrian tunnel within above encroachment ranges from 672.0 feet to 655.4 feet based on Cleveland Regional Geodetic Survey along entire length of said encroachment.

The above description was prepared under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The Basis of Bearing for this description is the Centerline of Euclid Avenue being South 88°-24'-06" West as shown in a survey made for the Cleveland Clinic Foundation by Christopher M. Soltes, Ohio Registered Surveyor No. 7441, dated March 2002.

Section 2. That said underground pedestrian tunnel will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a Building Permit, shall be obtained before said tunnel is constructed.

Section 3. That the existing Title, and Sections 1 and 2 of Ordinance No. 2455-02, passed March 10, 2003, are repealed.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed November 17, 2003.
 Effective November 19, 2003.

Ord. No. 1806-03.
By Council Members Zone and Cimperman.

An emergency ordinance authorizing the Mayor and the Director of Parks, Recreation, and Properties to enter into and execute a Declaration of Restrictions for the eastern section of Whiskey Island to assure that the Property shall be maintained as a public park in perpetuity.

Whereas, upon the conveyance to the City of Cleveland ("City"), of the Eastern portion of the property commonly known as Whiskey Island and as further illustrated in Exhibit A as "Park Land" located East of the Marina and West of the Cuyahoga River (the "Property"), the City desires that the Property shall be maintained as a public park in perpetuity; 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 upon conveyance of the Property to the City as illustrated in Exhibit "A" of this ordinance, the Mayor and the Director of Parks, Recreation, and Properties are authorized to enter into and execute a Declaration of Restrictions, dedicating the Property to be kept and maintained by the City in such repair and condition as to make it an attractive and desirable place of resort as a public park, subject to all rules and regulations prescribed by the Director of Parks, Recreation, and Properties, to be used for no other purpose than a public park and amenities related to the use and enjoyment of a public waterfront recreational area. The restriction shall be perpetual and run with the land for the benefit of the City.

Section 2. That the Declaration of Restrictions shall be enforced by the Director of Parks, Recreation, and Properties, prepared by the Director of Law and contain such necessary provisions as deemed necessary to protect the City.

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

Passed November 17, 2003.
 Effective November 19, 2003.

Ord. No. 1811-03.
By Council Member Cimperman.
An ordinance to amend Section 1 of Ordinance No. 418-02, passed August 14, 2002, relating to establishing a Live-Work Overlay District along portions of St. Clair Avenue, Superior Avenue and Payne Avenue.

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

Section 1. That Section 1 of Ordinance No. 418-02, passed August 14, 2002, is amended to read as follows:

Section 1. That the land outlined on the map and placed in File No. 1811-03-A, is designated as a Live-Work Overlay District.

Section 2. That existing Section 1 of Ordinance No. 418-02, passed August 14, 2002, is repealed.

Section 3. That the designation of the area depicted on the map attached as the Live/Work Zoning District shall be identified as Map Change No. 2085, Sheet Nos. 4 and 5 and shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Passed November 17, 2003.

Effective December 27, 2003.

Ord. No. 1851-03.

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

An emergency ordinance authorizing the acquisition of certain easement interests from Cleveland Business Park, Ltd. for ingress and egress to the Maplewood ball diamonds.

Whereas, this ordinance constitutes an emergency measure providing for 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 Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from Cleveland Business Park, Ltd. in the premises described below for ingress and egress to the Maplewood ball diamonds, more particularly described as follows:

**INGRESS/EGRESS EASEMENT
NORTHERLY SIDE OF
CLEVELAND PARKWAY
CUL-DE-SAC**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Original Rockport Township Section No. 3 as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records, further bounded and described as follows:

Beginning at an iron pin monument in the centerline of Rocky River Drive, S.W. (width varies) at its intersection with the centerline of Cleveland Parkway, S.W. (width varies) f.k.a. Cleveland Business Park Drive, S.W.;

Thence South 88° 55' 19" East along the centerline of Cleveland Parkway, S.W., 1047.85 feet to an iron pin monument therein;

Thence North 01° 04' 41" East and at right angles to said centerline, 30.00 feet to an iron pin set at a point of curvature in the Northerly line of said Cleveland Parkway, S.W.;

Thence along the arc of a curve deflecting to the left, 31.82 feet. Said curve having a radius of 40.00 feet, a central angle of 45° 34' 23", and a chord bearing North 68° 17' 29"

East, 30.98 feet to an iron pin at a point of reverse curvature in the Northerly cul-de-sac line;

Thence along the arc of a curve deflecting to the right, 36.75 feet. Said curve having a radius of 60.00 feet, a central angle of 35° 05' 52", and a chord bearing North 63° 03' 14" East, 36.18 feet to a point of tangency in the Northerly cul-de-sac line and the principle place of beginning of the following described parcel:

Thence North 01° 04' 41" East and at right angles to said centerline of Cleveland Parkway, S.W., 1.00 feet to a point in the Southerly line of the Riverview Subdivision No. 2 as shown by the recorded plat in Volume 95 of Maps, Page 38 of Cuyahoga County Records;

Thence South 88° 55' 19" East along said Southerly line, 21.82 feet to a point therein;

Thence South 01° 04' 41" West, 1.00 feet to an iron pin in the Northerly line of said cul-de-sac;

Thence North 88° 55' 19" West along said Northerly line, 21.82 feet to the place of beginning.

Containing within said bounds, an area of 21.82 square feet of land be the same more or less but subject to all legal highways, easements, and restrictions of record.

Section 2. That the cost of the acquisition of the easement rights shall not exceed the appraised value of the easement rights acquired 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 Fund No. 20 SF 370.

Section 3. That the Director of Parks, Recreation and Properties shall execute all documents on behalf of the City of Cleveland necessary to acquire the easement interests 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.

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 1891-03.

By Council Member Zone.

An ordinance to change the zoning of property on West 67th Street south of Father Caruso Drive from General Industry to RA-2 Townhouse District (Map Change No. 2085, Sheet No. 1).

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

Section 1. That the Use and Height Districts of lands described as follows:

Beginning at the Centerline of West 67th Street at its Intersection with the Westerly Prolongation of the Southerly Line of Sublot No. 15 of the Lake Pointe Town House Development Re-Subdivision, as shown by the Recorded Plat in Volume 320, Page 93; thence Easterly along said Westerly Prolongation and the Southerly Line of said Sublot No. 15 to the Southeast Corner thereof; thence Southerly 90.00 Feet, along the Easterly Line of Sublot's No. 18, 17 and 16 of the O. Alger Subdivi-

sion as shown by the Recorded Plat in Volume 12, Page 36 of the Cuyahoga County Records to the Southeast Corner of said Sublot No. 16; thence Westerly along the Southerly line of said Sublot No. 16 and its Westerly Prolongation to the Centerline of said West 67th Street; thence Northerly 90.00 Feet, along the said Centerline to the Point of Beginning,

and as outlined and shaded on the attached map is changed to an RA-2 Townhouse District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2085, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Passed November 17, 2003.

Effective December 27, 2003.

Ord. No. 1983-03.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more mutual aid agreements with other political subdivisions in the State of Ohio for reciprocal public health services for emergency management aid and assistance in the event of any hazard too great to be dealt with unassisted.

Whereas, in light of the events of September 11, 2001 and the potential for future biological or chemical attacks and the increasing incidences of contagious diseases, there may be times, because of similar emergency circumstances, that the Boards of Health or Health Departments of various Health Districts need additional environmental health, nursing, and other public health services readily available to them; and

Whereas, Section 5502.29 of the Revised Code permits political subdivisions, in collaboration with other public and private agencies within the state, to develop mutual aid arrangements, consistent with rules adopted under Section 5502.25 of the Revised Code, for reciprocal emergency management aid and assistance in case of any hazard too great to be dealt with unassisted; and

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more mutual aid agreements with other political subdivisions in the State of Ohio for reciprocal public health services for emergency management aid and assistance in the event of any hazard too great to be dealt with unassisted.

Section 2. That in any such mutual aid agreement or agreements, the Director of Public Health shall retain authority to determine the extent of aid committed and to decline to respond to a request for mutual aid if the aid requested

interferes with the Department of Public Health's ability to provide the proper level of services to its own constituency. In addition, no funds shall be paid to reciprocating political subdivisions of the State for the performance of mutual aid services by them to the City, and each participating political subdivision shall hold the City immune from liability for any mutual aid rendered under the agreement or agreements. The Director of Law shall review all such agreements to determine that the terms and conditions are appropriate and consistent with the City's interests.

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 1984-03.
By Council Members Rybka, Gordon and Jackson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1985-01, passed December 3, 2001, relating to a contract with Saltzman H-Realty Co., Ltd. to provide economic development assistance to partially finance the replacement of the grocery store located at 7422 Harvard Avenue, Cleveland, Ohio.

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

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

Section 1. That Section 2 of Ordinance No. 1985-01, passed December 3, 2001, is amended to read as follows:

Section 2. That the terms of the loan shall be in accordance with the Executive Summary contained in File No. 1985-01-D.

Section 2. That existing Section 2 of Ordinance No. 1985-01, passed December 3, 2001, is repealed.

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

Passed November 17, 2003.

Effective November 19, 2003.

Ord. No. 2036-03.
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 2004 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 2004 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 summary for the grant.

Section 2. That the summary for the grant, File No. 2036-03-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 17, 2003.

Effective November 19, 2003.

Ord. No. 2037-03.
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 2004 Cardiovascular Disease 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 \$64,723, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2004 Cardiovascular Disease Program, for the purposes in the summary and budget 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 and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2037-03-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 17, 2003.

Effective November 19, 2003.

Ord. No. 2038-03.
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 2004 Immunization Action Plan Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$119,656, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2004 Immunization Action Plan Program, for the purposes in the summary and budget 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 in the summary and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2038-03-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 17, 2003.

Effective November 19, 2003.

Ord. No. 2039-03.
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 2004 Ohio Department of Health for the STD 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 \$188,490, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2004 STD Control Program, for the purposes in the summary and budget 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 in the summary and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2039-03-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 17, 2003.
Effective November 19, 2003.

Ord. No. 2040-03.
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 Solid Waste District for the 2004 Solid Waste Disposal 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 \$92,314, and other such funds as they may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 2004 Solid Waste Disposal Program, for the purposes in the award letter and 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 in the award letter and summary for the grant.

Section 2. That the award letter and summary for the grant, File No. 2040-03-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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 17, 2003.
Effective November 19, 2003.

Ord. No. 2047-03.
By Council Members Britt, Gordon and Jackson (by departmental request).

An emergency ordinance to amend the title, the third whereas clause, and Section 3 of Ordinance No. 935-02, passed June 10, 2002, relating to an Enterprise Zone Agreement to renovate space at 11801-11 Buckeye Road.

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

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

Section 1. That the title, the third whereas clause, and Section 3 of Ordinance No. 935-02, passed June 10, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Weizer, L.P. to provide for a ten year sixty percent abatement for certain tangible, personal property and real estate taxes as an incentive to renovate space at 11801-11 Buckeye Road, located in the Cleveland Area Enterprise Zone.

Whereas, Weizer, L.P. (the "Enterprise") has proposed to renovate space located at 11801-11 Buckeye Road, and all other associated costs to redevelop the property located in Cleveland, Ohio; and

Section 3. That the terms of the tax abatement shall be in accordance with the terms as set forth in the Summary contained in File No. 935-02-B. The terms of the file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 2. That the existing title, the third whereas clause, and Section 3 of Ordinance No. 935-02, passed June 10, 2002, are repealed.

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

Passed November 17, 2003.
Effective November 19, 2003.

Ord. No. 2048-03.
By Council Members Britt, Gordon and Jackson (by departmental request).

An emergency ordinance to amend the title, and Sections 1 and 2 of Ordinance No. 934-02, passed June 10, 2002, relating to a loan and grant agreement to provide economic development assistance to partially finance the renovation of real property located at 11801-11 Buckeye Road.

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

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

Section 1. That the title, and Sections 1 and 2 of Ordinance No. 934-02, passed June 10, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a loan and grant agreement with Weizer, L.P. to provide economic development assistance to partially finance the renovation of real property located at 11801-11 Buckeye Road, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio.

Section 1. That the Director of Economic Development is authorized to enter into a loan and grant agreement with Weizer, L.P. to provide economic development assistance to partially finance the renovation of real property located at

11801-11 Buckeye Road, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio (the "Improvement").

Section 2. That the terms of the loan and grant shall be in accordance with the terms as set forth in the Summary contained in File No. 934-02-B.

Section 2. That the existing title, and Sections 1 and 2 of Ordinance No. 934-02, passed June 10, 2002, are repealed.

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

Passed November 17, 2003.
Effective November 19, 2003.

Ord. No. 2099-03.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Arbor Park Place LLC to provide a grant to partially finance security costs after the redevelopment of the commercial center located at the southwest corner of Longwood Plaza, located at East 40th Street and Quincy Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Arbor Park Place LLC to provide a grant to economic development assistance to partially finance security costs after the redevelopment of the commercial center located at the southwest corner of Longwood Plaza, located at East 40th Street and Quincy Avenue, Cleveland, Ohio.

Section 2. That the total amount of the grant shall not exceed \$120,000 and shall be disbursed in three phases.

Section 3. That the costs of the Phase I of the grant shall not exceed Forty Thousand Dollars (\$40,000) and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose. The costs of Phases II and III of the contract shall not exceed Forty Thousand Dollars (\$40,000) each, and shall be paid from Fund No. 17 SF 652, subject to annual appropriation, Request No. 13039.

Section 4. That the Director of Law is authorized to prepare the grant agreement and other documents necessary to complete the transaction.

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

Passed November 17, 2003.
Effective November 19, 2003.

Ord. No. 2100-03.

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

An emergency ordinance authorizing the Mayor to place a declaration of covenants and restrictions on City-owned property located at the southwest corner of East 55th and Woodland Avenue.

Whereas, the City of Cleveland owns certain real property located at the southwest corner of East 55th and Woodland Avenue; and

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

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

Section 1. That the Mayor is authorized to place a declaration of covenants and restrictions on City-owned property located at the southwest corner of East 55th and Woodland Avenue.

Section 2. That the Declaration of Restrictions shall prohibit the operation of a grocery store at the East 55th and Woodland Avenue location as long as Dave's Supermarket, Inc., or its subsidiary, operates a grocery store at Longwood Plaza, located at the southwest corner of East 40th and Quincy Avenue, and shall contain other necessary provisions as the Director of Law deems necessary to protect and benefit the City of Cleveland.

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

Passed November 17, 2003.
Effective November 19, 2003.

Ord. No. 2101-03.

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

An emergency ordinance to amend Section 11 of Ordinance No. 1978-01, passed December 3, 2001, relating to a loan agreement, an Empowerment Zone Section 108 loan, and an Economic Development Initiative Grant Agreement with New Village Corporation, or its designee, to partially finance the acquisition, predevelopment costs, soft costs, building improvements, and all other associated costs to redevelop the property located on the southwest corner of East 40th and Quincy Avenue.

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

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

Section 1. That Section 11 of Ordinance No. 1978-01, passed December 3, 2001, is amended to read as follows:

Section 11. That the terms of both loans and the grant shall be in accordance with the terms as set forth in the Summary contained in File No. 1978-01-B.

Section 2. That Section 11 of Ordinance No. 1978-01, passed December 3, 2001, is repealed.

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

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

Passed November 17, 2003.
Effective November 19, 2003.

Ord. No. 2155-03.

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

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Dave's Supermarket, Inc. to provide economic development assistance to partially finance eligible soft costs, building renovations, site improvements, and all other associated costs to redevelop and maintain the property located at 3301 Payne Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Dave's Supermarket, Inc. to provide economic development assistance to partially finance eligible soft costs, building renovations, site improvements, and all other associated costs to redevelop and maintain the property located at 3301 Payne Avenue, Cleveland, Ohio.

Section 2. That the total amount of the grant shall not exceed Five Hundred Thousand (\$500,000), payable from Fund No. 14 SF 029, Request No. 125752.

Section 3. That the Director of Law is authorized to prepare the grant agreement and any other documents necessary to complete the transaction.

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

Passed November 17, 2003.
Effective November 19, 2003.

Ord. No. 2164-03.

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

An emergency ordinance authorizing the execution and delivery of an Amendment and Restatement of Cooperative Agreement in connection with the refinancing of revenue bonds issued by the Cleveland-Cuyahoga County Port Authority to finance costs of construction of the Rock and Roll Hall of Fame and Museum, and authorizing and approving related matters.

Whereas, the City of Cleveland (the "City"), the County of Cuyahoga (the "County"), the Cleveland-Cuyahoga County Port Authority (the "Port Authority") and the Rock and Roll Hall of Fame and Museum, Inc. (the "Museum") entered into a Cooperative Agreement dated as of

February 26, 1993 (the "Cooperative Agreement") pursuant to special state legislation to provide for the ownership, financing, construction, maintenance and operation of the Rock and Roll Hall of Fame (the "Rock Hall") as a Port Authority educational and cultural facility to be owned by the Port Authority and leased to the Museum; and

Whereas, pursuant to that Cooperative Agreement, the Port Authority issued \$38,995,000 Revenue Bonds (Rock and Roll Hall of Fame and Museum Project) (the "Series 1993 Bonds") which were issued and delivered on May 20, 1993 to finance a portion of the costs of construction of the Rock Hall and were subsequently refunded by the Port Authority by the issuance of \$34,855,000 Refunding Revenue Bonds, Series 1997 (Rock and Roll Hall of Fame and Museum Project) (the "Series 1997 Refunding Bonds" and collectively with the Series 1993 Bonds, the "Bonds") to establish a fixed interest rate for the financing; and

Whereas, pursuant to the Cooperative Agreement and the Trust Indentures entered into in connection with the Bonds (individually, a "Trust Indenture" and collectively, the "Trust Indentures"), provision was made for payment of the principal of, premium, if any and interest on the Bonds ("Bond Service Charge") through the levy by the County of an additional bed tax of 1-1/2% on transactions by which lodging by a hotel is or is to be furnished to transient guests within the County (the "Bed Tax"); and

Whereas, the payment of Bond Service Charges was further secured by a pledge by the Museum to charge an admissions surcharge of 3% on all admissions to the Museum to be paid by the Museum to the Trustee under the Trust Indentures (and, in any event, in a minimum annual aggregate amount of \$224,000) and also to pay to that Trustee the proceeds of any corporate sponsorships entered into by the Museum in connection with the operation of the Rock Hall; and

Whereas, the Museum has requested the City, the County and the Port Authority to amend the Cooperative Agreement to permit the Port Authority to refinance the Series 1997 Refunding Bonds because the Bed Tax collections are sufficient to pay Bond Service Charges on the Bonds without the Museum's admissions surcharge and corporate sponsorships and because the Museum needs the revenue derived from the admissions surcharge and corporate sponsorships to pay operation, maintenance and capital costs of the Rock Hall; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health or safety in that authorizing and executing the Amendment and Restatement of Cooperative Agreement and refunding the Series 1997 Refunding Bonds at the earliest possible time will strengthen an important cultural and economic development facility within the City by providing additional revenue necessary to pay operation, maintenance and capital costs of the Rock Hall; now, therefore,

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

Section 1. Determinations.

This Council finds and determines that it is necessary and proper and in the best interests of the City to

amend the Cooperative Agreement entered into in 1993 in connection with the construction of the Rock Hall to permit the refinancing of the Series 1997 Refunding Bonds in such a way that additional funds will be made available to the Museum to provide additional revenue for the operation, maintenance, and capital costs of the Rock Hall, an important cultural and economic development facility within the City.

Section 2. Authorization.

Any one or more of the Mayor, the Director of Finance, the Director of Economic Development and the Director of Law are authorized and directed to execute and deliver the Amendment and Restatement of Cooperative Agreement substantially in the form in File No. 2164-03-A with such changes therein as are not substantially adverse to the City as may be approved by that officer or those officers. The approval of such changes by that officer or those officers and the determination that such are not substantially adverse to the City shall be conclusively evidenced by the signing of the Amendment and Restatement of Cooperative Agreement by that officer or those officers. The Amendment and Restatement of Cooperative Agreement shall be approved as to form and correctness by the Director of Law. Those officers are also authorized and directed to sign and deliver such certificates, instruments and documents, if any, as are necessary or appropriate to consummate the transactions contemplated by the Amendment and Restatement of Cooperative Agreement.

Section 3. Open Meeting Determination.

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

Section 4. Emergency.

This Ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 17, 2003.
Effective November 19, 2003.

Ord. No. 2253-03.

By Council Members Jones, White, Reed, Johnson and Britt.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Thoughtful Mediation, Incorporated for their Neighborhood Mediation Project in order to carry out the public purpose of providing conflict resolution services for the residents of the City if Cleveland through the use of Ward 1, 2, 3, 4 and 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Thoughtful Mediation, Incorporated for their Neighborhood Mediation Project in order to carry out the public purpose of providing conflict resolution services for the residents of the City if Cleveland through the use of Ward 1, 2, 3, 4 and 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$41,000 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 17, 2003.
Effective November 19, 2003.

Ord. No. 2254-03.

By Council Member Scott.

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Glenville Development Corporation for their Adams/East 105th Parking Project in order to carry out the public purpose of creating and retaining employment opportunities for the residents of the City of Cleveland 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 Economic Development is authorized to enter into a grant agreement with Glenville Development Corporation for Adams/East 105th Parking Project in order to carry out the public purpose of creating and retaining employment opportunities for the residents of the City of Cleveland 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 \$22,800 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 17, 2003.
Effective November 19, 2003.

Ord. No. 2255-03.

By Council Member Scott.

An emergency ordinance authorizing the Director of Parks, Properties and Recreation to enter into an agreement with Glenville Development Corporation for the Holiday in the Hood Recreation 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 Parks, Properties and Recreation is authorized to enter into an agreement with the Glenville Development Corporation for the Holiday in the Hood Recreation Program for the public purpose of providing holiday recreational and educational activities for Cleveland residents 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 \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 17, 2003.
Effective November 19, 2003.

COUNCIL COMMITTEE MEETINGS

**Thursday, November 20, 2003
9:30 a.m.**

Public Safety Committee: Present in Safety: Reed, Chair; Coats, Zone, *Authorized Absence:* Britt, Vice Chair; Brady, Cimperman, Conwell, Jones, White.

**Monday, November 24, 2003
9:30 a.m.**

Public Parks, Property & Recreation Committee: CANCELLED.

11:00 a.m.

Employment, Affirmative Action & Training Committee: Present in Employment: Lewis, Chair; Conwell, Vice Chair; Coats, Polensek. *Authorized Absence:* Cintron, Johnson, Reed.

2:00 p.m.

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

**Tuesday, November 25, 2003
1:30 p.m.**

Legislation Committee: Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Gordon, Rybka Westbrook. *Authorized Absence:* Johnson.

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