

The City Record

Official Publication of the Council of the City of Cleveland



December the Seventh, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, DECEMBER 7, 2005

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CITY COUNCIL

MONDAY, DECEMBER 5, 2005

The City Record

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Address all communications to
VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, December 5, 2005

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

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

Also present were Chief of Staff Ronayne, Executive Assistant Margaret Jackson, and Directors Ciaccia, Mok, Ricchiuto, Watson, Thompson, Rush, Routen, Huth, Fumich, Taylor, Johnson and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Janny Mejia of Nueva Vida Church, located at 14021 Emery Avenue in Ward 21. Pledge of Allegiance.

MOTION

On the motion of Council Member Sweeney, the reading of the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member Pierce Scott.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2266-05.

Re: New Application — 8247667 — Ricardo Small, 1672 Columbus Road. (Ward 13). Received.

File No. 2267-05.

Re: Transfer of Ownership Application — 2962074 — Full Throttle Saloon, Inc., 9401-03 Denison Avenue, first floor and basement. (Ward 18). Received.

File No. 2268-05.

Re: Transfer of Location Application — 06693000001 — Best R N A, Inc., d.b.a. R J Beverage, 2186 Brookpark Road. (Ward 16). Received.

File No. 2269-05.

Re: Stock Transfer Application — 2389493 — E J Tavern, Inc., d.b.a. Romeos, 4310-12 Clark Avenue, first floor and basement. (Ward 14). Received.

STATEMENT OF WORK ACCEPTED

File No. 2270-05.

From the Department of Parks, Recreation and Properties — Contract No. 64313, Maplewood Park Site Improvements. Received.

PLAT

File No. 2271-05.

Townhouse Subdivision Plat for Sidestreet Townhomes.

Approved by Public Service and City Planning Committees.

CONDOLENCE RESOLUTIONS

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

Res. No. 2272-05 — Dawn M. Phillips.

Res. No. 2273-05 — John Wesley Jeffers, Jr.

Res. No. 2274-05—Rita Lynch.

Res. No. 2275-05 — Emmett K. Chambers.

CONGRATULATION RESOLUTIONS

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

Res. No. 2276-05—Paul & Barbara Gregory.

Res. No. 2277-05 — Joseph Puchajda.

Res. No. 2278-05—Cleveland Public Library Lorain Branch — 100th Anniversary.

WELCOME RESOLUTION

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

Res. No. 2279-05 — Brigadier General Vincent K. Brooks.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 2230-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement to lease to Green Energy Ohio property located on the Kirtland Intake Crib for the purpose of conducting a wind study and maintaining a wind monitoring tower for a period of two years and to grant ownership of the lessee's property and associated equipment to the City upon expiration of the lease; determining the method of making the public improvement of installing a wind turbine and associated equipment; authorizing one or more public improvement contracts to construct the improvement; authorizing the employment of one or more professional consultants to design the improvement; and authorizing one or more requirement contracts of labor and materials necessary to maintain the wind turbine, the wind monitoring tower and associated equipment.

Whereas, this ordinance constitutes an emergency measure providing for 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 enter into an agreement to lease to Green Energy Ohio, certain property located on the Kirtland Intake Crib which is not needed for public use for the purpose of conducting a wind study and maintaining a wind monitoring tower for a two-year period.

Section 2. That, the property shall be leased for fair market value, which is determined to be equal to Green Energy Ohio transferring ownership of the wind monitoring tower upon expiration of the two-year lease to the City at no cost.

Section 3. That the lease may authorize Green Energy Ohio to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 4. That the lease shall be prepared by the Director of Law.

Section 5. That the Director of Public Utilities, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a wind turbine on the wind monitoring tower or else-

where on the Kirtland Intake Crib (the "Improvement"), for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 7. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 8. 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 9. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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 10. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to maintain the new wind turbine and associated equipment authorized by this ordinance, 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 11. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to maintain the wind monitoring tower and associated equipment after the City receives ownership of the property, 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 12. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 13. That the cost of the contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 161459.

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2232-05.

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 re-

quirements 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 161452)

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. 2233-05.

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

An emergency ordinance determining the method of making the public improvement of constructing and installing manually controlled pumps and equipment at the Nottingham Plant into the new Plant Computer Control System; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing and installing manually controlled pumps and equipment at the Nottingham Plant into the new Plant Computer Control System, 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 229, 52 SF 2131, and from the fund or funds which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose, Request No. 161458.

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

Ord. No. 2234-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refurbish the SCADA and PCCS Systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrades, and support and maintenance necessary for the operation of the systems, for the Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to refurbish the SCADA and PCCS Systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrade, and support and maintenance necessary for the operation of the systems, 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 2. That the costs of the contract or contracts shall be paid from Fund No. 52 SF 001, 52 SF 229, 52 SF 231 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 161460)

Section 3. That the Director of Public Utilities is authorized to sign any third party software license agreements necessary to effect the purposes of this ordinance.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of 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 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. 2235-05.

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

An emergency ordinance to amend Section 4 of Ordinance No. 68-98, passed October 19, 1998, as amended by Ordinance No. 94-99, passed March 1, 1999, relating to the design and implementation of improvements to enhance the Division of Water's Waterworks plants.

Whereas, this ordinance constitutes an emergency measure providing for 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 4 of Ordinance No. 68-98, passed October 19, 1998, as amended by Ordinance No. 94-99, passed March 1, 1999, is amended to read as follows:

Section 4. That the costs for such services contemplated shall be paid from Fund Nos. 52 SF 001, 52 SF 219, 52 SF 223, 52 SF 225, **52 SF 229, 52 SF 231 and from the funds and sub-funds to which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose**, Request No. 28420. This legislation shall not authorize any expenditures from capital funds, except to perform the professional consulting services and make the purchases in connection with such consulting services authorized by this ordinance.

Section 2. That existing Section 4 of Ordinance No. 68-98, passed October 19, 1998, as amended by Ordinance No. 94-99, passed March 1, 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 2236-05.

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

An emergency ordinance to amend Section 9a of Ordinance No. 294-98, passed April 6, 1998, as amended by Ordinance No. 914-02, passed June 3, 2002, relating to the repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue to the County of Cuyahoga.

Whereas, this ordinance constitutes an emergency measure providing for 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 9a of Ordinance No. 294-98, passed April 6, 1998, as amended by Ordinance No. 914-02, passed June 3, 2002, is amended to read as follows:

Section 9a. That this Council authorizes payment to the County of Cuyahoga of the City's share of the cost of the improvement, from Fund Nos. 20 SF 312, **20 SF 364, 20 SF 373,**

20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 117835.

Section 2. That existing Section 9a of Ordinance No. 294-98, passed April 6, 1998, as amended by Ordinance No. 914-02, passed June 3, 2002, 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. 2237-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2006 Juvenile Accountability Incentive Block Grant Program; and authorizing one or more contracts with Americorps VISTA to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$71,122, from the County of Cuyahoga, to conduct the 2006 Juvenile Accountability Incentive Block Grant Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2237-05-A, made a part as if fully rewritten, as presented to the Finance Committee of this council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$7,902, payable from Fund No. 01-600201-639905, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Americorps VISTA to implement the grant as described in the file.

Section 5. That the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the grant accepted under this ordinance.

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

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

Ord. No. 2238-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2006 Youth Community Diversion 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 \$72,000, from Cuyahoga County to conduct the 2006 Youth 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 described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 2238-05, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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. 2241-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Wade Park at East 105th Street and East Boulevard, southwest, to the United States Department of Veterans Affairs to expand their medical center.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property no longer needed for public use and located in Wade Park at East 105th Street and East Boulevard, southwest to the United States Department of Veterans Affairs to expand their medical center (the "Redeveloper"); and

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

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

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

Proposed Split - Parcel 'A'

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the northwesterly corner of Wade Park of part of Original One Hundred Acre Lot No. 394, and being further described as lands conveyed to the City of Cleveland by deed dated October 16, 1896 and recorded in Volume 649, Page 565 of the Cuyahoga County Record of Deeds (PPN 120-36-001) and being further described and bounded as follows:

Beginning at a monument found (drill hole found 0.02' N/0.05' W) in the centerline of East 105th Street (60 feet wide) at the intersection of the centerline of Hough Avenue Extension (Proposed); thence along said centerline of East 105th Street

North 00° 35' 46" West a distance of 930.38 feet to a point; thence North 89° 29' 44" East along the westerly extension of lands conveyed to the United States of America by deed dated August 18, 1950 and recorded in Volume 7060, Page 395 of the Cuyahoga County Record of Deeds (PPN 120-16-014) a distance of 35.01 feet to an iron pin set and the principal place of beginning;

Thence along the arc of a curve deflecting to the left and having an arc distance of 49.33 feet, a radius of 143.62 feet and chord bearing South 25 Degrees 32 Minutes 53 Seconds East, 47.09 feet to a point;

Thence South 35° 23' 16" East a distance of 66.17 feet to a point;

Thence along the arc of a curve deflecting to the right and having an arc distance of 160.87 feet, a radius of 264.90 feet and chord bearing South 17 Degrees 59 Minutes 25 Seconds East, 158.41 feet to a point;

Thence South 00° 35' 34" East a distance of 73.58 feet to a point;

Thence along the arc of a curve deflecting to the left and having an arc distance of 106.64 feet, a radius of 53.87 feet and chord bearing South 57 Degrees 18 Minutes 05 Seconds East, 90.06 feet to an iron pin set;

Thence South 65° 59' 25" West a distance of 143.99 feet to an iron pin set;

Thence along the arc of a curve deflecting to the right and having an arc distance of 59.38 feet, a radius of 30.00 feet and chord bearing North 57 Degrees 18 Minutes 11 Seconds West, 50.15 feet to an iron pin set;

Thence North 00° 35' 46" West a distance of 345.80 feet to a PK nail set in asphalt;

Thence along the arc of a curve deflecting to the left and having an arc distance of 59.04 feet, a radius of 233.38 feet and chord bearing North 07 Degrees 50 Minutes 37 Seconds West, 58.88 feet to an iron pin set and the principal place of beginning and containing 0.7615 Acres, more or less, as surveyed and described in October, 2005 by Thomas M. Coffman P.S. Ohio Registered Surveyor Number S-6857, but subject to all legal highways.

Said lot split is for the purpose of adding developable land to the VA Center's existing parcel.

All iron pins set are 5/8" x 30" and have a cap that is marked Thomas M. Coffman P.S. - S6857.

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

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

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

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. 2242-05.
By Council Members Lipovan Holan, Sweeney, Cimperman and Jackson (by departmental request).
An emergency ordinance to supplement Ordinance No. 821-05, passed June 6, 2005, by adding new Sections

4a and 4b relating to the reconstruction of Jennings Road, and authorizing an agreement with First Interstate Development Company, Ltd.

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

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

Section 1. That Ordinance No. 821-05, passed June 6, 2005, is supplemented by adding new Sections 4a and 4b to read as follows:

Section 4a. That if funds are necessary for the improvement authorized under this ordinance because the bids exceed the budget estimate, then the Director of Public Service is authorized to enter into an agreement with First Interstate Development Company, LTC. ("First Interstate") to accept funds equal to the difference between the cost of the improvement and the budget estimate.

Section 4b. That the agreement shall be prepared by the Director of Law.

Section 2. That the title and Section 5 of Ordinance No. 821-05, passed June 6, 2005, are amended to read as follows:

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

Section 5. 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 500, and 20 SF 506**, from the fund or funds which are credited the grant proceeds accepted under this ordinance, and from the fund or funds which are credited any funding received from First Interstate Development Company, Ltd. under the agreement authorized by this ordinance, if necessary.

Section 3. That the existing title and Section 5 of Ordinance No. 821-05, passed June 6, 2005, are repealed.

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

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

Ord. No. 2247-05.**By Council Member Cintron.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at West 25th Street to MINH-T-VANG.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 008-15-010, as more fully described below, to MINH-T-VANG.

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

P. P. No. 008-15-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 35 feet of Sublot No. 38 in J.M. Curtiss Subdivision of part of Original Brooklyn Township Lot No.67 as shown by the recorded plat in Volume 12 of Maps, Page 32 of Cuyahoga County Records and being 35 feet front on the Easterly side of West 25th Street (formerly Pearl Street) and extending back of equal width 120 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary inter-

ests 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. 2248-05.**By Council Member Cintron.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland Urban Properties, LTD.

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. 004-06-060 as more fully described below, to Cleveland Urban Properties, LTD.

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. 004-06-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows: Known as being Sublot No. 10 in S.B. Ingersoll's Allotment of Original Brooklyn Township Lot No. 69, as shown by the recorded plat in Volume 8 of Maps, Page 10 of Cuyahoga County Records, and being 33 feet front on the Westerly side of West 20th Street (formerly Moltke Street) 75 feet 5 inches deep on the Northerly line, 70 feet 2 inches deep on the Southerly line and 33 feet 2 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-06-061 as

more fully described below to Cleveland Urban Properties, LTD.

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

P. P. No. 004-06-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in S.B. Ingersoll's Allotment of part of Original Brooklyn Township Lot No. 69, as shown by the recorded plat in Volume 8 of Maps, Page 10 of Cuyahoga County Records and being 33 feet front on the Westerly side of West 20th Street (formerly Bismark Street) and extending back 76.58 feet on the Northerly line, 75.42 feet on the Southerly line and having a rear line of 33.17 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 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. 004-06-062 as more fully described below, to Cleveland Urban Properties, LTD.

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

P. P. No. 004-06-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in S.B. Ingersoll's Allotment of part of Original Brooklyn Township Lot No. 69, as shown by the recorded plat in Volume 8 of Maps, Page 10 of Cuyahoga County Records and being 33 feet front on the Westerly side of West 20th Street (formerly Moltke Street), 79 feet 10 inches on the Northerly line, 76 feet 7 inches on the Southerly line and having a rear line of 33 feet 2 inches, as appears by said plat.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-06-067 as more fully described, to Cleveland Urban Properties, LTD.

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

P. P. No. 004-06-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in the Morison Re-Allotment of part of Original Brooklyn Township Lot No. 69, as shown by the recorded plat in Volume 6 of Maps, Page 1 of Cuyahoga County Records, and being 35 feet front on the South-westerly side of West 20th Street, and extending back of equal width 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 004-06-069 as more fully described below, to Cleveland Urban Properties, LTD.

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

P. P. No. 004-06-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 1 foot from front to rear of the Southerly 15 feet from front to rear of Sublot No. 8 in the Morison Allotment of part of Original Brooklyn Township Lot No. 67 as shown by the recorded plat in Volume 6 of Maps, Page 1 of Cuyahoga County Records, and being 1 foot front on the Westerly side of West 20th Street (formerly Bismark Street) and extending back between parallel lines 80 feet, 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. 004-06-070 as more fully described below, to Cleveland Urban Properties, LTD.

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

P. P. No. 004-06-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 98 in Morison Allotment of part of Original Brooklyn Township Lot No. 69 as shown by the recorded plat in Volume 18 of Maps, Page 11 of Cuyahoga County Records, and also a part of Original Brooklyn Township Lot No. 69, and together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of West 20th Street (formerly Moltke Street) 40 feet wide, at its intersection with the Southeasterly line of the New York, Chicago and St. Louis Railroad Company's right-of-way, 66 feet wide; thence Southeasterly along the Northeasterly line of West 20th Street, to the Southwesterly corner of said Sublot No. 98; thence Northeasterly in a direct line to the Northeasterly corner of said Sublot No. 98; thence Southeasterly along the Northeasterly lines of Sublots Nos. 98, 97, 96, 95, 94, 93 and 92, in the Morison Allotment, 232 feet to the Northerly line of Sublot No. 91 in the Morison Allotment; thence Easterly along the Northerly line of said Sublot No. 91, which is also the Northerly line of Moltke Court, S.W., 88.50 feet to the Easterly line of said Original Lot No. 69; thence Northerly along the Easterly line of said Original Lot No. 69, to the Southeasterly line of the New York, Chicago and St. Louis Railroad Company's right-of-way; thence Southwesterly along the Southeasterly line of said right-of-way to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 004-07-115 as more fully described below, to Cleveland Urban Properties, LTD.

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

P. P. No. 004-07-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 15 in Morrison, Johnson and Allen's Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 4 of Maps, Page 59 of Cuyahoga County Records. Said Sublot No. 15 is 28 feet 7 inches front on the Easterly side of West 19th Street (formerly Johnson Street), 133 feet 9 inches deep on the Southerly line, 113 feet 10 inches deep on the Northerly line, 33 feet 2 inches on the Northeasterly rear line and 2 feet 4-3/4 inches on the Easterly rear line, as appears by said plat, be the same more or less, but subject to all legal highways.

Excepting therefrom so much thereof as was deeded to The Linda Air Products Company, by deed dated August 21, 1950, and recorded in Volume 7064, Page 670 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

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. 004-07-116 as more fully described below, to Cleveland Urban Properties, LTD.

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

P. P. No. 004-07-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 14 in Morrison, Johnson and Allen's Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 4 of Maps, Page 59 of Cuyahoga County Records. Said Sublot No. 14 is 29 feet front on the Easterly side of West 19th Street (formerly Johnson Street), 133 feet 9 inches deep on the Northerly line, 135 feet 4 inches deep on the Southerly line, and 29 feet 1/2 inch in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Excepting therefrom so much thereof as was deeded to The Linda Air Products Company, by deed dated August 21, 1950, and recorded in Volume 7064, Page 670 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

Section 17. 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 18. That the consideration for the subject parcel shall be estab-

lished by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 19. 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 20. 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. 2249-05.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 146th and 147th Streets to Cleveland Municipal School District.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-051 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 102 in Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2 as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on

the Westerly side of East 147th Street and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to driveway easement recited in Volume 7052, Page 562 of Cuyahoga County Records filed August 2, 1950.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-075 as more fully described below to Cleveland Municipal School District.

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

P. P. No. 115-06-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 146th Street, (formerly Lyman Street) and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-083 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 33 feet 4 inches of Sublot No. 35 in Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and being 33 feet 4 inches front on the Westerly side of East 146th Street (formerly Lyman Avenue) and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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. 115-06-088 as more fully described, to Cleveland Municipal School District.

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

P. P. No. 115-06-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly .83 feet of Sublot No. 32 and the Northerly 30 feet of Sublot No. 31, in the Nelson Moses Subdivi-

sion of a part of Original Euclid Township Lots 1 and 2 as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records. Said parts of Sublot Nos. 32 and 31 forming a parcel of land having a frontage of 30.83 feet front on the Westerly side of East 146th Street, 60 feet wide (formerly Lyman Avenue) and extending back of equal width 140 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easements and restrictions of record, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-089 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20 feet front to rear of Sublot No. 30 and the Northerly 10 feet front to rear of Sublot No. 29 in Nelson Moses Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of East 146th Street (formerly Lyman Avenue) and extending back of equal width 140 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-127 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 20 feet from front to rear of Sublot No. 30, and the Southerly 10 feet from front to rear of Sublot No. 31 in the Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of East 146th Street (formerly Lyman Avenue) and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Develop-

ment, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2250-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Linwood Avenue to Tajydeen Bankole and Anita Bankole.

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). 106-12-022, 106-12-023 and 106-12-024, as more fully described below, to Tajydeen Bankole and Anita Bankole.

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

P. P. No. 106-12-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 14 and 15 and the Westerly 3 feet of Sublot No. 16 in J.H. Salisbury's Subdivision of part of Original

nal One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records and together forming a parcel of land having a frontage of 69 feet 9 inches on the Southerly side of Linwood Avenue, N.E., (formerly Beecher Street), and extending back 125 feet on the Easterly line, 125 feet on the Westerly line, which is also the Easterly line of East 65th Street, and having a rear line of 69 feet 9 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 106-12-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet from the front to rear of Sublot No. 16 in J.H. Salisbury's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Beecher Street), and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-12-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, Sublot No. 17 in J.H. Salisbury's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Linwood Avenue, N.E. (formerly Beecher Street) and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 2251-05.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Churchill Avenue to FEDCO, LLC.

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). 120-01-057, as more fully described below, to FEDCO, LLC.

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

P. P. No. 120-01-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 170, 171 and all of Sublot No. 176 and a part of Block "A" of The Phillips Subdivision of part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records.

Beginning in the Northerly line of Churchill Avenue, N.E., (formerly Churchill Street), 45 feet wide, at the Southwesterly corner of said Sublot No. 176; thence Northerly 100 feet along the Westerly line of said Sublot No. 176 to the Northwesterly corner thereof; thence continuing Northerly across said Sublots Nos. 170 and 171 in a production of the West line of said Sublot No. 176, about 45.97 feet to the Southwesterly corner of premises registered in The W.F. Company by Certificate of Title No. 78928; thence North 87° 24' 50" East 48.11 feet to the Southeast-erly corner of said premises; thence Northerly along the Easterly line of premises registered in said Certificate of Title No. 78928, 22.08 feet to the Southerly line of Rockhurst Court N.E., thence Easterly 1.94 feet along the Southerly line of Rockhurst Court N.E., to the Northeast-erly corner of premises formerly registered in Frank Pystone by Certificate of Title No. 71293; thence

Southerly 170 feet parallel with the Westerly line of Block "A" to a point in the Northerly line of Churchill Avenue, N.E., thence South 89° 44' West 50 feet along the Northerly line of said Churchill Avenue to the place of beginning, be the same more or less.

Subject to all legal highways and also subject to the following liquor restrictions as set forth in agreement between Sarah Phillips and Curtis Ambler et. al. recorded in Volume 498, Page 421 of Cuyahoga County Records and referred to in Deed from Charles R. Phillips et. al. to S.E. Dettelbach, recorded in Volume 1717, Page 238 of Cuyahoga County Records.

Said restrictions are as follows: It is understood and agreed that said sales of Lots shall be restricted so that the sale of beer and liquor shall be prohibited.

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. 2253-05.

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

An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 2056-04, passed January 31, 2005; and to supplement the ordinance by adding new Sections 2a, 2b, 2c, 3a, and 3b, relating to the widening of West 150th Street between Industrial Parkway and Brook Park 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 Section 2 and 3 of Ordinance No. 2056-04, passed January 31, 2005, are amended to read as follows:

An emergency ordinance authorizing the City of Cleveland to participate in a multi-community application allowing the City of Brook Park to apply for funding for the widening of West 150th Street between Brook Park Road and Industrial Parkway; **and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.**

Section 2. That the City is authorized to contribute an amount up to 65% of the actual project costs, which represents the City's portion of funding necessary to acquire State Issue II funding for the above mentioned Improvement, payable from **Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506**, and the fund or funds to which are credited the funds appropriated for this purpose.

Section 3. That the Director of Public Service is authorized to enter into any agreements or agreements with the City of Brook Park regarding the State Issue II multi-community application in order for the City of Brook Park to apply for and accept State Issue II funding in the form of a loan or grant, or a combination of both, for the Improvement.

Section 2. That the existing title, and Section 2 and 3 of Ordinance No. 2056-04, passed January 31, 2005, are repealed.

Section 3. That Ordinance No. 2056-04, passed January 31, 2005, is supplemented by adding new Sections 2a, 2b, 2c, 3a, and 3b to read as follows:

Section 2a. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to construct the Improvement. The consideration to be paid for such property shall not exceed fair market value.

Section 2b. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all of the costs necessary for the acquisition of such property.

Section 2c. That the cost of the right-of-way acquisition shall be payable from **Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166649.**

Section 3a. That the Director of Public Service is authorized to enter into a loan agreement with the City of Brook Park to provide for the repayment of the State of Ohio Issue II funding in the form of a loan, and is authorized to enter into other agreements necessary to make the contribution described in Section 2 above.

Section 3b. That the cost of the Issue II loan repayment shall be paid from annually appropriated nontax revenue.

Section 4. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 2255-05.

By Council Members Reed, Coats and Cimperman.

An emergency ordinance to amend Section 403.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, and to amend Section 453.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2536-88, passed December 19, 1988, relating to downtown area parking and parking regulations in parking meter zones.

Whereas, this ordinance constitutes an emergency measure providing for 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 403.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, is hereby amended to read as follows:

Section 403.04 Downtown Area Parking

(a) Except as provided in Chapter 451 no regulation adopted pursuant to Section 403.03 shall limit the time of parking nor prohibit parking between 6:30 p.m. and 7:00 a.m. upon streets or parts of streets within the downtown parking area as defined in subsection (b) hereof. Any regulations which specifically state otherwise are hereby disapproved, and signs evidencing such regulations or otherwise contrary to this section shall be removed.

(b) Notwithstanding any provision of the Codified Ordinances to the contrary, any parking meter space in the downtown parking area shall be free of charge on the day after Thanksgiving ("Black Friday") and December 26th.

(c) As used in this section, "downtown parking area" means the area bounded by Lake Erie from the Cuyahoga River to the easterly line of East 30th Street extended; the easterly lines of East 30th Street connected from Lake Erie to Carnegie Avenue; the southerly line of Carnegie Avenue from East 30th Street to East 9th Street; the easterly line of East 9th Street to Carnegie Avenue; the southerly line of Carnegie Avenue from Broadway to the Cuyahoga River; and the Cuyahoga River from Carnegie Avenue to Lake Erie.

Section 2. That Section 453.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2536-88, passed December 19, 1988, is hereby amended to read as follows:

Section 453.01 Parking Regulations in Parking Meter Zones

(a) No person shall park a vehicle in a space adjacent to a street

parking meter unless the curb side wheels of such a vehicle are parallel with and not more than twelve inches from the curb. The front and rear extremities of the vehicle shall be between adjacent meter posts or not more than three feet from the post of an end meter. Whenever a vehicle is parked in a street parking meter zone where a meter has been installed, the person parking such vehicle shall deposit in such parking meter a coin of United States money of the denomination designated on the plates attached to such parking meter, if such meter displays the signal showing that legal parking is only permitted on such deposit.

(b) The coins required in parking meter zones shall be as follows:

(1) In the Downtown Parking Area, as defined in Section 403.04, but excluding Institutional Areas, as defined herein, \$.25 per twenty (20)-minute period.

(2) In Institutional Areas, \$.50 per hour or any portion thereof. For purposes of this section, an "Institutional Area" means the area adjacent to any hospital or educational institution in the City.

(3) In all other areas of the City, \$.25 per hour or any portion thereof.

(c) Notice to the public shall be given by appropriate signs, setting forth the length of time for which parking is permitted and the conditions thereof. These may be upon the parking meter stand or in the immediate vicinity. Any vehicle which remains in a metered parking zone after the prescribed time for parking is hereby determined to be illegally parked. At each place where street metered parking zones are so established as provided in Section 403.06 and are so marked off, each vehicle shall be parked entirely within a metered parking zone space. The provisions of this section shall not apply to vehicles parking upon the street of the City between the hours of 6:00 p.m. in the evening until 7:00 a.m. the following morning and upon Saturdays, Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, unless a different rule or regulation is otherwise set forth in this Traffic Code, and shall not apply to any parking meter space in the downtown parking area, as defined in Section 403.04, on the day after Thanksgiving ("Black Friday") and December 26th.

Section 3. That existing Section 403.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, and existing Section 453.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2536-88, passed December 19, 1988, are hereby 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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**Ord. No. 2229-05.****By Council Member Jackson (by departmental request).****An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

Whereas, this ordinance constitutes an emergency measure providing for 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 pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Public Safety Department – Police				
Dunnican, Shawn	11796	\$ 500.00	Police	01-600202-672000
Randle, Veronica D.	11797	3,500.00	Police	01-600202-672000
First Class Beauty Supplies	11800	500.00	Police	01-600202-672000
Walker, Minnie	11803	65.00	Police	01-600202-672000
Moeller, Terry and Moeller, Thomas J.	11806	1,453.00	Police	01-600202-672000
Taylor, Theresa	11808	480.00	Police	01-600202-672000
Hurt, Willie	11820	1,400.00	Police	01-600202-672000
Shabazz, Risa	11826	86.00	Police	01-600202-672000
Allen, Amanda L.	11827	250.00	Police	01-600202-672000
Public Safety Department – Police Impound				
Hill, Charles	11786	\$1,311.00	Police Impound	01-600202-672000
Webb, Michael	11804	66.24	Police Impound	01-600202-672000
Klein, Rita	11813	27.00	Police Impound	01-600202-672000
Public Safety Department – Emergency Medical Services				
Younger, Jessie M.	11815	\$ 943.06	EMS	01-600402-672000
Public Safety Department – Fire				
McMichael, Denise	11812	\$ 500.00	Fire	01-600302-672000
Department of Parks, Recreation and Property – Park Maintenance				
Simmons, Barbara J.	11817	\$ 500.00	Park Maintenance	01-701205-672000
Department of Parks, Recreation and Property – Vacant Lots				
Ellens, Evangeline	11763	\$ 500.00	Vacant Lots	01-701205-672000
Reese, Tracy	11809	15.04	Vacant Lots	01-701205-672000
Department of Parks, Recreation and Property – Urban Forestry				
Kirk, Vanessa	11799	\$ 500.00	Urban Forestry	01-701204-672000
Johnson, Gerald	11802	500.00	Urban Forestry	01-701204-672000
Jackson, Jean	11805	400.00	Urban Forestry	01-701204-672000
Hart, Sara	11816	Cost of Repairs	Urban Forestry	01-701204-672000
Department of Public Service – Engineering and Construction				
Scullin, Kayleigh	11825	\$ 377.68	Eng. & Constr.	01-400400-672000
Department of Public Service – Streets Division				
Gramm, Ann L.	11772	\$ 400.00	Streets Division	11 SF 401
Mill Creek Homeowners Association	11814	676.84	Streets Operations	11 SF 401
Department of Public Service – Division of Waste				
Akil, Shakur	11801	\$ 55.00	Waste Collection	01-400303-672000
Brown, Myrtle	11811	12.89	Waste Collection	01-400303-672000
Dozier, Dorothy	11819	25.76	Waste Collection	01-400303-672000
Department of Public Utilities – Water				
Fausz, Paul	03461	\$1,300.00	WPC	52 SF 001

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.**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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2231-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to apply for and accept funds from the United States of America for costs incurred as a result of sending Department of Public Utilities' employees to the State of Louisiana to assist with restoring utilities to flood-damaged areas.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept funds from the United States of America, acting through the Federal Emergency Management Agency, to reimburse the Department of Public Utilities' costs incurred as a result of sending Department of Public Utilities' employees to the State of Louisiana to assist with restoring utilities to flood-damaged areas, from January 13, 2006 until March 31, 2006. The Director of Public Utilities is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance, and the funds are appropriated for the purpose of reimbursing the Department of Public Utilities.

Section 2. That the Director of Public Utilities is authorized to enter into any agreements and execute any documents necessary to implement this ordinance.

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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2239-05.
By Council Members Pierce Scott and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts without competitive bidding with Executive Information Systems, LLC for the purchase of SAS software maintenance, for the Department of Community Development.

Whereas, the Department of Community Development uses SAS software, a statistical software package, to maintain its databases for tracking Community Development Block Grant, HOME, Housing Opportunities for Persons With AIDS grant activities, the Land Bank program, MBE/FBE contractor participation, and cost and performance information for over 150 third party contracts; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Executive Information Systems, LLC. Therefore the Director of Community Development is authorized to make one or more written contracts with Executive Information Systems, LLC on the basis of its proposal dated November 3, 2005, for SAS software maintenance, to be purchased by the Commissioner of Purchases and Supplies, for the Department of Community Development, for a period of one year.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 14 SF 031, Request No. 149520.

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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2240-05.
By Council Members Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Judge or other authorized officer of the Cleveland Municipal Court, division of Housing Court, to enter into a collective bargaining agreement with the American Federation of State, County and Municipal Employees.

Whereas, this ordinance constitutes an emergency measure providing for 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 Judge or other authorized officer of the Cleveland Municipal Court, Division of Housing Court, is authorized to enter into a collective bargaining agreement with the American Federation of State, County and Municipal Employees to provide employment terms for the uniformed deputy bailiffs of the Housing Court as set forth in File No. 2240-05-A.

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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2244-05.
By Council Members Polensek, Sweeney, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend the title and Section 3 of Ordinance No. 2243-02, passed January 6, 2003 relating to authorizing the Commissioner of Purchases and Supplies to acquire property located at 16300 Lakeshore Boulevard for park and recreational purposes; and to supplement the Ordinance by adding new Section 2a relating to professional services necessary to evaluate the existing building conditions and related architectural design modifications for the community and recreation center.

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

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

Section 1. That the title and Section 3 of Ordinance No. 2243-02, passed January 6, 2003, are amended to read as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located at 16300 Lakeshore Boulevard for the purpose of park and recreational purposes; and authorizing the Director of Public Service or Parks, Recreation and Properties, as appropriate, to employ one or more professional consultants necessary to evaluate the existing building conditions and related architectural design modifications for the community and recreation center.

Section 3. That the cost of the improvement, services and property acquisition contemplated shall be paid from Fund Nos. 20 SF 361, 20 SF 370, 20 SF 377 20 SF 382, 20 SF 392, 20 SF 501, and 20 SF 504, Request No. 166648.

Section 2. That the existing title and Section 3 of Ordinance No. 2243-02, passed January 6, 2003, are repealed.

Section 3. That Ordinance No. 2243-02, passed January 6, 2003, is supplemented by adding new Section 2a to read as follows:

Section 2a. That the Director of Public Service or Parks, Recreation and Properties, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to evaluate the existing building conditions and related architectural design modifications for the community and recreation center.

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

Service or Parks, Recreation and Properties, as appropriate, and certified by the Director of Finance.

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.

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

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

Ord. No. 2246-05.

By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Holmden Avenue to First Interstate Development, 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). 008-14-054 and 008-14-055, as more fully described below, to First Interstate Development, Inc.

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

P. P. No. 008-14-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 85 now in said City and bounded and described as follows:

Beginning on the Southerly line of land conveyed by Silas S. Stone and Margaretta Stone to Felix Nicola, by deed dated May 15, 1882 and recorded in Volume 337, Page 349 of Cuyahoga County Records, at a point 749.96 feet Easterly from the point intersection of said Southerly line with the Easterly line of Sublot No. 15 in Nicola and Judson's Allotment of a part of Original Brooklyn Township Lot No. 72, as shown by the recorded plat in Volume 5 of Maps, Page 7 of Cuyahoga County Records; thence Northerly on a line parallel to the Easterly line of said Sublot No. 15, 80.42 feet to the Southerly line of a proposed extension

of Holmden Avenue, S.W.; thence Easterly at right angles and along the Southerly line of said proposed extension, 30 feet; thence Southerly on a line parallel to the first described line, 80.38 feet to the Southerly line of land conveyed to Nicola, as aforesaid; thence Westerly along said Southerly line 30 feet; to the place of beginning, and being further known as Sublot No. 70 in Felix Nicola's proposed Subdivision of part of Original Brooklyn Township Lot No. 85.

P. P. No. 008-14-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 85, and bounded and described as follows:

Beginning at the Northeasterly corner of land conveyed to Rose Golembiowska by deed dated October 25, 1929, recorded on Volume 3962, Page 258; thence Easterly along the Southerly line of Holmden Avenue a distance of 30 feet; thence Southerly 80.32 feet; thence Westerly 30 feet; thence Northerly 80.46 feet to the place of beginning, being further known as Sublot No. 69 in F. Nicola Proposed Subdivision, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

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

Ord. No. 2252-05.

By Council Member Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Myron V. Bacon).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; 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 consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Myron V. Bacon the sidewalk in front of 2554 East 22nd Street.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

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

Ord. No. 2254-05.

By Council Member Jackson.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 1680-05 passed September 12, 2005 as it pertains to Blue Seas Restaurant Development Project through the use of Ward 5 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1680-05 passed September 12, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with **Brothers Investment Group 6, Inc.** for the Blue Seas Restaurant Development Project through the use of Ward 5 Neighborhood Equity Funds.

Section 1. That the Director of Economic Development is autho-

rized to enter into an agreement with **Brothers Investment Group 6, Inc.**, for the Blue Seas Restaurant Project for the public purpose of retaining **existing** and creating new jobs through the use of Ward 5 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1680-05 passed September 12, 2005 are hereby repealed.

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

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

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

Ord. No. 2256-05.

By Council Member Sweeney. An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at an event in the rotunda of City Hall on January 2, 2006.

Whereas, this ordinance constitutes an emergency measure providing for 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 Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, the Clerk of Council is hereby authorized to dispense beer and wine at an event in the rotunda of City Hall on January 2, 2006.

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

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

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

Ord. No. 2257-05.

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

An emergency ordinance authorizing the Clerk of the Cleveland Municipal Court to enter into an amendment to Contract No. 63107 with ACS State & Local Solutions, Inc. for professional services necessary to process, collect, and enforce parking infraction tickets and judgments, to extend for the contract an additional two year period.

Whereas, Section 4521(D) of the Revised code and Section 459.03(d) of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Clerk of the Cleveland Municipal Court, subject to the approval of this Council, to contract with any nongovernmental entity to provide services in processing, collecting, and enforcing parking infraction tickets and judgments; and

Whereas, under Ordinance No. 337-04, passed April 26, 2004, this Council authorized ACS State & Local Solutions, Inc. ("ACS") to perform those services; and

Whereas, ACS is also the contractor for the red light, photo enforcement program; and

Whereas, because the two programs will work so closely together

and in order to give the City's red light, photo enforcement program a fair assessment, this Council has determined that a two-year extension of Contract No. 63107 to process, collect, and enforce parking infraction tickets and judgments is desired; and

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

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

Section 1. That the Clerk of the Cleveland Municipal Court is authorized to enter into an amendment to Contract No. 63107 with ACS State & Local Solutions, Inc. for professional services necessary to process, collect, and enforce parking infraction tickets and judgments, to extend for the contract an additional two year period on the same terms and conditions except that in the extended term, ACS State & Local Solutions, Inc., shall provide to the Clerk of Courts at no additional cost "Auto Vu technology" and ten (10) hand-held Parking Ticket issuing devices with corresponding printers.

Section 2. That the cost of the amendment shall be paid from funds appropriated for this purpose in budget year 2006.

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

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

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

Ord. No. 2260-05.

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

An emergency ordinance approving the collective bargaining agreement with Cleveland Fire Fighters Union, Local 93 Safety Supervisors; and amending Section 26 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with Cleveland Fire Fighters Union, Local 93 Safety Supervisors, under the terms contained File No. 2260-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 26 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 26. Cleveland Fire Fighters Union, Local 93 Safety Supervisors. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Safety Supervisor	\$ 38,762.61	\$ 50,710.39

Section 3. That existing Section 26 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

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

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

Ord. No. 2261-05.

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

An emergency ordinance approving the collective bargaining agreement with Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel; and amending Section 10 of Ordinance No. 384-03, passed March 10, 2003, as amended, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel, under the terms contained in File No. 2261-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 10 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003, Ord. No. 1814-04, passed October 4, 2004, and Ord. No. 1656-05, passed September 26, 2005, is amended to read as follows:

Section 10. Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bilingual Communication Specialist.....	\$22,882.82	\$34,512.20
2. Police Radio Dispatcher.....	\$22,885.90	\$37,787.92
3. Police Safety Aide.....	\$20,800.00	\$26,902.62
4. Safety Telephone Operator.....	\$21,266.04	\$29,738.59

Section 3. That existing Section 10 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003, Ord. No. 1814-04, passed October 4, 2004, and Ord. No. 1656-05, passed September 26, 2005, is repealed.

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

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

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

Ord. No. 2262-05.

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

An emergency ordinance approving the collective bargaining agreement with S.E.M.E., Local 1; and amending Section 17 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with S.E.M.E., Local 1, under the terms contained in File No. 2262-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 17 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 17. S.E.M.E., Local 1. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Auto Body Repair Unit Leader.....	\$ 12.88	\$ 22.83
2. Auto Body Repair Worker.....	\$ 15.73	\$ 18.98
3. Automobile Repair Helper.....	\$ 10.13	\$ 14.97
4. Automobile Repair Worker.....	\$ 12.60	\$ 18.81
5. Automobile Repairman Unit Leader.....	\$ 17.78	\$ 22.83
6. Blacksmith.....	\$ 15.79	\$ 22.24
7. Garage Worker.....	\$ 12.42	\$ 16.00
8. Heavy Duty Mechanic.....	\$ 15.75	\$ 22.54
9. Heavy Duty Unit Leader.....	\$ 23.85	\$ 27.94
10. Small Equipment Repair Worker.....	\$ 12.26	\$ 17.31
11. Tire Repair Worker.....	\$ 14.08	\$ 17.15
12. Welder.....	\$ 18.36	\$ 21.92

Section 3. That existing Section 17 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

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

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

Ord. No. 2263-05.**By Council Member Sweeney.**

An emergency ordinance authorizing the Clerk of Council to enter into subscription, license and any other agreements necessary to obtain online access to computer assisted legal and other research databases, materials and services required for the work of Cleveland City Council.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into subscription, license and any other agreements necessary to obtain online access to computer assisted legal and other research databases, materials and services required for the work of Cleveland City Council.

Section 2. That the term of any such agreement shall not exceed four (4) years and shall be paid from Fund No. 01 SF 001 and/or from the fund or funds which are appropriated for the payment of such agreements.

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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2258-05.**By Council Member Reed.**

An emergency resolution objecting to the transfer of stock of a C1, C2 and D6 Liquor Permit to 14510 Kinsman Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a C1, C2 and D6 Liquor Permit at 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a C1, C2 and D6 Liquor Permit at 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 2259-05.**By Council Member Brady.**

An emergency resolution in support of the Federal Communications Commission's upcoming report that favors consumers being able to purchase cable/satellite channels individually, or a la carte, rather than in bundled packages, and urging federal lawmakers to rewrite regulations to allow the cable industry to offer cable/satellite channels a la carte.

Whereas, cable companies sell channels to consumers bundled together in "packages" as opposed to individually, or "a la carte"; and

Whereas, consumer advocates have pushed for years for a la carte pricing saying it would result in

lower programming costs and higher-quality programs; and

Whereas, the average cable/satellite-connected household actually watches about 17 of the nearly 90 channels usually available; and

Whereas, the Federal Communications Commission is preparing a report finding that pick and choose channel selection would allow the average cable/satellite household to save money; and

Whereas, further, the FCC report finds that the cable industry should offer channels a la carte, thereby allowing the consumer to choose which channels they purchase; and

Whereas, by making it possible to keep some of the objectionable channels out of their homes, the public will be less inclined to ask that Congress set decency standards for private-access channels; and

Whereas, Congress should listen to the FCC and to consumers and rewrite the cable regulations to allow the cable industry to offer a la carte service; and

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

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

Section 1. That this Council hereby supports the Federal Communications Commission's upcoming report that favors consumers being able to purchase cable/satellite channels individually, or a la carte, rather than in bundled packages, and urges federal lawmakers to rewrite regulations to allow the cable industry to offer cable/satellite channels a la carte.

Section 2. That the Clerk of Council is directed to forward copies of this resolution to Federal Communications Commission Chairman Kevin Martin, and to the members of both the House and the Senate Commerce Committees.

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

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

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

Res. No. 2264-05.**By Council Members Zone, Britt, Sweeney, Polensek, Conwell, Knight and White.**

An emergency resolution urging the PUCO to adopt rules to protect consumers from unjustified and substantial increases in basic local service rates, permit stakeholders adequate and fair opportunity to oppose applications for increased basic local service rates, provide benefits for low income consumers and impose broadband access requirements.

Whereas, on August 5, 2005, Governor Bob Taft signed H.B. 218, which revises various Ohio laws dealing with telecommunications including the provision of basic local phone service; and

Whereas, H.B. 218 authorizes the Public Utilities Commission of Ohio (the "PUCO") to adopt alternative methods of regulating the rates paid by consumers for basic local phone service; and

Whereas, the PUCO is considering rule changes that would allow telephone service providers to increase rates up to 20% per year under a competitive system, even when such increases would not be justified by the cost of providing that service; and

Whereas, this Council strongly believes that the new rules proposed by the PUCO do not adequately require telephone service providers to demonstrate that increased local service rates are justified, do not allow sufficient time for stakeholders to oppose rate increases, allow excessive rate increases and do not require consumer benefits including rate subsidy programs for low income consumers or broadband access commitments; and

Whereas, this Council believes that the proposed PUCO rules do not adequately protect low and middle income consumers in the City of Cleveland from substantial and unjustified increases in basic local telephone service rates; 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 strongly urges the PUCO to adopt rules to protect consumers from unjustified and substantial increases in basic local service rates, permit stakeholders adequate and fair opportunity to oppose applications for increased basic local service rates, provide benefits for low income consumers and impose broadband access requirements.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft, PUCO Chairman Schriber, PUCO Commissioners Ferguson, Jones, Mason and Rogers and to Ohio Consumers' Counsel Janine L. Migden-Ostrander.

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

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

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

Res. No. 2265-05.
By Council Members Zone, Kelley, Coats, Pierce Scott, Cimperman, Sweeney, Westbrook, Knight, Lewis, Polensek, Reed, Britt and Conwell.
An emergency resolution urging the PUCO to consider rule changes that, to the maximum extent, preserve the OCC toll-free call center number on utility bills, disconnection notices and literature that may be sent with utility bills and encouraging the PUCO to provide consumers with information about direct access to OCC's many services in order that consumers may obtain utility related information and assistance.

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

Whereas, OCC maintains a toll-free consumer call center where utility consumers can obtain assistance and address problems on a wide range of utility-related concerns; and

Whereas, in response to the passage of House Bill 66 by the Ohio House of Representatives, this Council passed Resolution No. 1076-05 on May 23, 2005, urging the Ohio legislature to restore full funding for OCC and to retain the OCC's toll-free consumer call center; and

Whereas, newly enacted sections of the Ohio Revised Code require that consumer calls regarding utility bill complaints formerly handled by the OCC toll-free call center must now be referred to the call center operated by the Public Utilities Commission of Ohio (the "PUCO"); and

Whereas, the PUCO, pursuant to the newly enacted Ohio Revised Code sections, is considering administrative rule changes that would eliminate or change references on consumer utility bills, disconnection notices and other literature sent with utility bills in such a way as to discourage or prohibit consumers from contacting OCC about concerns with quality of service, obtaining financial assistance, avoiding disconnection of utility services, home weatherization programs and purchasing utility services under the state's customer choice programs; and

Whereas, this Council strongly believes that utility consumers in Cleveland and across the state are facing record-high energy and fuel bills during the winter of 2005-2006 and that the proposed PUCO rule changes will have the effect of denying consumers direct access to the many services of OCC; and

Whereas, this Council strongly believes that the rule changes contemplated by the PUCO are not required by or consistent with state law and prohibit the OCC from fulfilling many of its statutory responsibilities as the statutory residential consumer advocate; and

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

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

Section 1. That this Council urges the PUCO to consider rule changes that, to the maximum extent, preserve the OCC toll-free call center number on utility bills, disconnection notices and literature that may be sent with utility bills.

Section 2. That this Council encourages the PUCO to provide consumers with information about direct access to OCC's many services in order that consumers may obtain utility related information and assistance.

Section 3. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft, PUCO Chairman Schriber, PUCO Commissioners Ferguson, Jones, Mason and Rogers and to Ohio Consumers' Counsel Janine L. Migden-Ostrander.

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

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

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

SECOND READING EMERGENCY ORDINANCE

Ord. No. 1780-05.

By Mayor Campbell.

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Steelyard Commons LLC, to provide for payments to the Cleveland City School District and to provide for the creation of the Steelyard Commons TIF Fund to be used for development and recreational improvements; and to declare certain improvements to real property to be a public purpose.

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

1. In the second whereas clause, line 1, strike "1541-05, passed _____, 2005" and insert "1541-04, passed **October 17, 2005**".

2. Strike Section 6 in its entirety and insert:

"Section 6. That under Section 5709.43 of the Revised Code there is hereby established a Steelyard Commons Urban Redevelopment Tax Increment Equivalent Fund ("Steelyard Commons TIF Fund"), 70% of which shall be used for acquisition of land and to make improvements to the Tow Path Trail and Canal Basin Park. Of this 70%, if there are remaining funds, they shall be used for additional connector trails.

The remaining 30% shall be used for retail assistance programs and other commercial and industrial initiatives, including land acquisition,

within the City. This 30% will be used primarily for projects that offset the impacts of Steelyard Commons on adjacent neighborhood commercial districts, and use of these funds will be guided by the retail impact study currently underway. These funds will be disbursed quarterly as grants, on a competitive basis, under criteria established by this Council and the Cleveland City-wide Development Corporation (CCDC). The CCDC will evaluate applications and make recommendations to this Council. Projects in the following categories will be eligible:

Neighborhood Retail: specifically those elements not funded by the existing Storefront Program (such as parking lots);

Neighborhood Small and Start-up Businesses: to assist with small business expansion, refine business plans, assist entrepreneurs to "get out of the garage and into a storefront," etc.;

Neighborhood Arts Projects: projects that enhance a neighborhood commercial/retail district;

Neighborhood Streetscape: in neighborhood commercial/residential districts;

Neighborhood Industrial Sites: planning, environmental site assessments, etc., of underused and/or abandoned neighborhood industrial sites; and

Land Acquisition: to support commercial development adjacent to the Tow Path Trail."

3. Insert new Sections 8, 9, and 10 to read as follows:

"Section 8. That the Director of the Office of Equal Opportunity shall engage in discussions with the County Engineer to explore how employment of local residents and minority and female business enterprises can best be advanced. The Director of the Office of Equal Opportunity shall report back to this Council on the results of those discussions and shall make recommendations on how to achieve those goals.

Section 9. That the signed letter from Mitchell Schneider, President of First Interstate Properties Ltd., dated December 2, 2005 to the Council Member of Ward 13 shall be placed in File No. 1780-05-A.

Section 10. That there is hereby created an Advisory Committee that shall consist of five members selected as follows: one (1) member shall be appointed by this Council; one (1) member shall be appointed by the Mayor; one (1) member shall be appointed by the County Commissioners; and two (2) members shall be appointed by the Ohio Canal Corridor. The meetings of the Advisory Committee may be conducted at City Hall and shall be open to the public. Each six months, the Advisory Committee shall report to the Council Committees on Community and Economic Development and the Employment, Affirmative Action & Training on all aspects of the Improvement, including without limitation, overall progress, success on reaching employment goals, and a description of any purchases made in support of the Improvement."

4. Renumber existing Sections 8 and 9 to new "Section 11" and "Section 12".

Amendments agreed to.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 293-05.

By Council Member Westbrook.

An emergency ordinance to amend Section 611.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 487-A-04, passed October 25, 2004, relating to public gaming.

Approved by Directors of Public Safety, Law; Passage recommended by Committees on Public Safety, Legislation, Finance; when amended as follows:

1. In Section 1, at amended Section 611.06(c), line 2, after "school property," insert "or on any City-owned or City-leased property".

Amendment agreed to.

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

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

Ord. No. 1265-05.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Medtronic Physio-Control for the purchase of maintenance of Lifepak 12 defibrillators, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Ord. No. 1308-05.

By Council Member Polensek.

An emergency ordinance to amend Sections 613.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1695-65, passed October 18, 1965, relating to penalties for littering.

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

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

Ord. No. 1309-05.

By Council Member Westbrook.

An emergency ordinance to amend Section 381.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2704-B-83, passed March 4, 1985, relating to penalties for violation of the fire prevention code.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Legislation, Finance; when amended as follows:

1. In Section 1, at division (a) of Section 381.99 line 3, strike, "and shall be fined not more than one hundred dollars (\$100.00)".

Amendment agreed to.

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

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

Ord. No. 1368-05.

By Council Member Britt.

An emergency ordinance to amend Section 461.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 942-83, passed June 4, 1984, and renumbered by Ordinance No. 1856-84, passed October 28, 1984, relating to issuance of residential parking permits.

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

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

Ord. No. 1506-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Board of Health for the Family and Children First Council Teen Pregnancy Prevention Program; and authorizing the purchase by one or more requirement contracts of equipment and supplies needed to implement the program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance; when amended as follows:

1. In the title, lines 4 and 5, and in Section 1, line 4, strike "Family and Children First Council Teen Pregnancy Prevention Program" and insert "HIV/STD Teen Pregnancy Sexual Marketing Reduction Campaign Program".

2. In Section 1, line 2, strike "\$150,000" and insert "\$75,000".

Amendments agreed to.

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

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

Ord. No. 1508-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2006 Caribbean Gang Task Force Program; and to enter into contracts necessary to implement the program.

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

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

Ord. No. 1633-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to repair and/or replace decorative and special lighting including installation and maintenance for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Ord. No. 1639-05.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Medtronics Physio-Control Corp. for the purchase of labor and materials necessary to upgrade not to exceed forty-five biphasic LIFEPAK 500 AEDs, for the Division of Fire, Department of Public Safety.

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

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

Ord. No. 1649-05.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Gibson Avenue to James J. Van Bergen.

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

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

Ord. No. 1652-05.

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

An emergency ordinance to appropriate property for acquisition and redevelopment and/or rehabilitation of the blighted premises located at East 185th Street and Neff Road, Cleveland, Ohio.

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

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

Ord. No. 1663-05.

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

An emergency ordinance authorizing the Director of Public Safety to

enter into an agreement with Cleveland State University to accept police services by CSU within such areas as may be agreed to within the City.

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

1. In the title, line 3, strike "an agreement" and insert "**agreements with Cuyahoga Community College and**"; and in line 4, after "by" insert "**Tri-C and**".

2. Insert new Section 1a to read as follows:

"Section 1a That the Director of Public Safety is authorized to enter into an agreement with Cuyahoga Community College ("Tri-C") to permit Tri-C police officers to exercise the authority under division (A) of Section 3345.041 of the Revised Code within the areas that may be agreed to by the City and Tri-C."

3. In existing Section 2, line 1, strike "agreement" and insert "**agreements**"; and in line 2, after "Public Safety and" insert "**Tri-C and**".

4. Insert new Section 3 to read as follows:

"Section 3. That the Director of Public Safety shall submit the quarterly reports it receives from CSU and Tri-C to the Public Safety Committee."

5. Renumber existing Section 3 to new "**Section 4**".

Amendments agreed to.

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

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

Ord. No. 1777-05.

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

An emergency ordinance authorizing the acquisition of certain right-of-way and permanent easement interests from Francesca K. Bleick for the public purpose of installing, repairing, and maintaining a catch basin, for the Department of Public Service.

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

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

Ord. No. 1778-05.

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

An emergency ordinance authorizing the Directors of Port Control and Parks, Recreation and Properties to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in property located at Dock 32 and declaring said easement rights no longer needed for public use.

Approved by Directors of Port Control, Parks, Recreation and Prop-

erties, City Planning Commission, Finance, Law; Relieved of Committees on Aviation and Transportation, Public Parks, Property and Recreation, and City Planning; Passage recommended by Committee on Finance.

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

Ord. No. 1781-05.

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

An emergency ordinance authorizing the Director of Public Safety to accept a gift of various hazmat equipment and supplies, for the Division of Fire, Department of Public Safety.

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

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

Ord. No. 1830-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to provide service and repair of elevators, for the Division of Police, Department of Public Safety for a period of one year, with a one year option to renew.

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

1. In Section 1, strike lines 6 and 7 in their entirety, and insert "**in the approximate amount as purchased during the preceding term, to**"; and in line 9, after "Public Safety," insert the following new sentence: "**With approval of this Council and receipt by the Council of a report concerning the condition of the elevators and an estimated cost of their replacement, there shall be one option exercisable by the Director of Public Safety to renew for an additional one year term.**".

Amendment agreed to.

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

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

Ord. No. 1876-05.

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

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

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

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

Ord. No. 1877-05.

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

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

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

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

Ord. No. 1886-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Health for the Regional Metropolitan Medical Response Program; and authorizing the purchase by one or more requirement contracts of equipment, supplies, and services; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

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

Ord. No. 1887-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of window guards for the Division of Police supply unit located at 2200 West 3rd Street, including labor and materials for installation, for the Division of Police, Department of Public Safety.

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

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

Ord. No. 1891-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Firstechonology, Inc. to provide economic development assistance to partially finance the construction of a new facility located at 4450 Johnston Parkway and all other associated costs necessary to redevelop the property.

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

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

Ord. No. 1893-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with 410 Euclid, LLC, to provide development assistance to partially finance the demolition, construction and renovation, site improvement, architectural and engineering fees, furniture and fixtures associated with the renovation of real property improvements at 402-448 Euclid Avenue, and certain other costs necessary to redevelop the property.

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

1. In Section 2, line 2, strike "File No. 1893-05-A" and insert "**File No. 1893-05-B**".

2. Strike Section 3 in its entirety and insert:

"Section 3. That the total costs of the contract shall not exceed an aggregate amount of Three Million Dollars (\$3,000,000). One Million Five Hundred Thousand Dollars (\$1,500,000) shall be paid from Fund No. 10 SF 541 and One Million Five Hundred Thousand Dollars (\$1,500,000) shall be paid from Fund No. 17 SF 00S, which funds are appropriated for this purpose, Request No. 103680."

3. In Section 5, line 2, strike "Fund No." and insert "**Fund Nos. 17 SF 006 and**".

Amendments agreed to.

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

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

Ord. No. 1959-05.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1282-05, passed July 13, 2005, relating to a direct requirement contract with Motorola for 800 MHz radio equipment and maintenance.

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

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

Ord. No. 2036-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Mincom, Inc. for professional services necessary to upgrade to the MERS reporting tool, and for training and support services for a period not to exceed one year.

Approved by Directors of Public Utilities, Finance, Law; Passage rec-

ommended by Committees on Public Utilities, Finance.

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

Ord. No. 2038-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Bureau of Criminal Identification for the Livescan Purchase Program; and authorizing the purchase by one or more requirements contracts of Livescan booking workstations and appurtenances, including installation and training, and for maintenance and support for a period of three years.

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

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

Ord. No. 2039-05.

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

An emergency ordinance to appropriate property for acquisition and redevelopment and/or rehabilitation of the blighted premises located at 17300 Lakeshore Boulevard, Cleveland, Ohio.

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

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

Ord. No. 2066-05.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 125.11 relating to law student internship agreements.

Approved by Directors of Finance and Law; Passage recommended by Committees on Legislation, Finance.

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

Ord. No. 2069-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair automatic doors, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 2077-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Kog Holdings LLC to provide economic development assistance to partially finance the purchase of real property including a commercial building located at 1275 Main Avenue and all other associated costs necessary to redevelop the property.

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

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

Ord. No. 2078-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Mt. Pleasant NOW Development Corporation, to provide development assistance to partially finance the renovation of the abandoned Napa Auto Parts building, for the property located at 13905-13 Kinsman Road, and certain other costs necessary to redevelop the property.

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

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

Ord. No. 2127-05.

By Council Member Jackson (by departmental request).

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

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 2135-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In the third whereas clause, strike lines 4 and 5 in their entirety and insert "permanently finance

those projects with Bonds that may be authorized by Council by separate ordinances that may be passed by Council in order to provide more favorable capital financial arrangements for those projects; and

Whereas, the Department of Port Control is undertaking the construction of a de-icing facility, based on prior authorization of this Council, and the Department of Port Control may later seek authorization from Council for the issuance of tax-exempt bonds to reimburse advances now made for that project and, accordingly, wishes to comply with the reimbursement regulations to preserve that financing opportunity, and as a result, this Ordinance constitutes an emergency measure".

Amendment agreed to.

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

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

Ord. No. 2139-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 2140-05.

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

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

Approved by Directors of Personal and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 2150-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, Ohio Homeland Security, for the 2005 Buffer Zone Protection Program; authorizing the purchase by one or more requirements contracts of materials, equipment, and services necessary to implement the program; authorizing the Director to

employ one or more consultants to provide professional services necessary to implement the program; and authorizing the Director to enter into one or more contracts or memoranda of understanding with various entities to implement the program.

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

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

Ord. No. 2154-05.

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

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

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 2155-05.

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

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

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 2156-05.

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

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

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

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

Ord. No. 2157-05.

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

An emergency ordinance authorizing the Director of Economic Development to amend Contract No. 61222

with Bredt-Zanick LLC, operating as The Northern Ohio Lumber & Timber Company, for financial assistance to partially finance their expansion at 2850 West 3rd Street.

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

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

Ord. No. 2158-05.

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

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

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

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

Ord. No. 2159-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Ohio Canal Corridor to assist with costs related to the development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 1657-05.

By Council Member Zone.

An ordinance to change the Use Districts of parcels fronting on the north and south sides of Lorain Avenue between West 73rd Street and West 67th Street from a General Retail Business District and a Semi-Industry District to a Local Retail Business District (Map Change No. 2160 Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1786-05.

By Council Member Polensek.

An ordinance to change the zoning of properties south of St. Clair

between Ruple Rd. and Rondel Rd. from a Multi-Family Residential District and a Local Retail Business District to a One Family Residential District; the Area District from a 'C' to an 'A'; and the Height District from a '2' to a '1' and also to establish a Planned Unit Development Overlay District PUD (Map Change Number 2139, Sheet number 7).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1839-05.

By Council Member Sweeney.

An ordinance to change the Use and Area Districts of a parcel of land on the North side of Sprecher Avenue from a One-Family Residential District and an 'A' Area District to a Semi-Industry District and a 'B' Area District (Map Change No. 2163, Sheet No. 13).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1897-05.

By Council Member Zone.

An ordinance to change the zoning of parcels bounded by Merrill Avenue and West 61st Street as shown on the attached map from Two-Family Residential, a 'B' Area District and a '1' Height District to a Semi-Industry Use District, a 'C' Area District and a '2' Height District. (Map Change No. 2164, Sheet 2).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

**SECOND READING EMERGENCY
RESOLUTIONS ADOPTED**

Res. No. 1659-05.

By Council Members Cimperman and Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Webster Court N.E.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

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

Res. No. 1660-05.

By Council Members Cimperman and Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Stimson Court S.W.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommend-

ed by Committees on Public Service, City Planning, Finance.

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

Res. No. 1797-05.

By Council Member White.

An emergency resolution encouraging the Division of Police to establish a supervisory review of the search warrant process to ensure the proper, fair, and just issuance of search warrants

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

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

Res. No. 1833-05.

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

An emergency resolution declaring the intent to vacate a portion of Hartley Road.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

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

Res. No. 1964-05.

By Council Members Reed, Conwell, Zone, Coats, Pierce Scott, Lewis and Britt.

An emergency resolution urging the General Assembly to amend the Ethnic Intimidation Statute to include various applicable felonies.

Approved by Directors of Public Safety and Law; Adoption recommended by Committees on Public Safety, Legislation.

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

LAID ON THE TABLE

Ord. No. 1212-03.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 4408 Detroit Avenue to The HARP Restaurant; and to repeal Ordinance No. 1161-01, passed July 18, 2001, relating to the lease of City-owned property to The HARP Restaurant.

Ord. No. 1017-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Division of Water and educate the public, for a period of two years.

Ord. No. 1507-05.

By Council Members Reed and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the Youth Community Diversion Program.

Without objection, Ordinance No. 1212-03, Ordinance No. 1017-05 and Ordinance No. 1507-05 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinance No. 1212-03, Ordinance No. 1017-05 and Ordinance No. 1507-05 laid on the table.

MOTION

The Council Meeting adjourned at 7:55 p.m. to meet Monday, January 2, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the next meeting:

ORDINANCE**Ord. No. 1780-05.**

By Mayor Campbell.

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Steelyard Commons LLC, to provide for payments to the Cleveland City School District and to provide for the creation of the Steelyard Commons TIF Fund to be used for development and recreational improvements; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 1541-04, passed October 17, 2005, and prior to the passage of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, under Section 5709.41 of the Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.42 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years without the approval of the board of education of the school district within the territory of which the improvements are or will be located if the ordinance declaring improvements to a parcel to be a public purpose specifies that service payments in lieu of taxes provided for in Section 5709.42 of the Ohio Revised Code shall be paid to the school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation; 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 and in accordance with the provisions of Section 5709.41 of the Revised Code, this Council finds and determines that 100% of the increase in assessed value of the Property after its acquisition by the City (which increase in assessed value is referred to as "Improvement" as defined in Section 5709.41 of the Revised Code) will be a public purpose.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 20 years beginning _____ 2005; and that in no event shall the exemption period extend beyond _____, 2026.

Section 3. That, under Section 5709.42 of the Revised Code, the owners of the Improvements shall make service payments for a period of 20 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the Cleveland Municipal School District ("District") in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Mayor or Director of Economic Development, with the approval of the Director of Law, is authorized to enter into one or more agreements with such parties as may be necessary or appropriate to effectuate the purposes of this ordinance.

Section 6. That under Section 5709.43 of the Revised Code there is hereby established a Steelyard Commons Urban Redevelopment Tax Increment Equivalent Fund ("Steel-

yard Commons TIF Fund"), 70% of which shall be used for acquisition of land and to make improvements to the Tow Path Trail and Canal Basin Park. Of this 70%, if there are remaining funds, they shall be used for additional connector trails.

The remaining 30% shall be used for retail assistance programs and other commercial and industrial initiatives, including land acquisition, within the City. This 30% will be used primarily for projects that offset the impacts of Steelyard Commons on adjacent neighborhood commercial districts, and use of these funds will be guided by the retail impact study currently underway. These funds will be disbursed quarterly as grants, on a competitive basis, under criteria established by this Council and the Cleveland Citywide Development Corporation (CCDC). The CCDC will evaluate applications and make recommendations to this Council. Projects in the following categories will be eligible:

Neighborhood Retail: specifically those elements not funded by the existing Storefront Program (such as parking lots);

Neighborhood Small and Start-up Businesses: to assist with small business expansion, refine business plans, assist entrepreneurs to "get out of the garage and into a storefront," etc.;

Neighborhood Arts Projects: projects that enhance a neighborhood commercial/retail district;

Neighborhood Streetscape: in neighborhood commercial/residential districts;

Neighborhood Industrial Sites: planning, environmental site assessments, etc., of underused and/or abandoned neighborhood industrial sites; and

Land Acquisition: to support commercial development adjacent to the Tow Path Trail.

Section 7. That the service payments collected under Section 3 shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland to be deposited in the Steelyard Commons TIF Fund created by Section 6. With the approval of the Director of Economic Development and the Director of Law, money deposited in the Steelyard Commons TIF Fund shall be used to for the purposes described in Section 6.

Section 8. That the Director of the Office of Equal Opportunity shall engage in discussions with the County Engineer to explore how employment of local residents and minority and female business enterprises can best be advanced. The Director of the Office of Equal Opportunity shall report back to this Council on the results of those discussions and shall make recommendations on how to achieve those goals.

Section 9. That the signed letter from Mitchell Schneider, President of First Interstate Properties Ltd., dated December 2, 2005 to the Council Member of Ward 13 shall be placed in File No. 1780-05-A.

Section 10. That there is hereby created an Advisory Committee that shall consist of five members selected as follows: one (1) member shall be appointed by this Council; one

(1) member shall be appointed by the Mayor; one (1) member shall be appointed by the County Commissioners; and two (2) members shall be appointed by the Ohio Canal Corridor. The meetings of the Advisory Committee may be conducted at City Hall and shall be open to the public. Each six months, the Advisory Committee shall report to the Council Committees on Community and Economic Development and the Employment, Affirmative Action & Training on all aspects of the improvement, including without limitation, overall progress, success on reaching employment goals, and a description of any purchases made in support of the improvement.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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.

BOARD OF CONTROL

November 30, 2005

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

Present: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.
Carol Whitaker, Acting Director, Office of Equal Opportunity.

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

Resolution No. 665-05.

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland, that Resolution No. 442-05, adopted by this Board August 24, 2005, approving the bid of Consumers Steel Products, LLC, as lowest and best for an estimated quantity of miscellaneous size steel plates is amended by decreasing the contract amount from \$153,437.00 to \$45,722.93, deleting item nos. B-1, B-3, B-6, B-8 - B-10, B-12, B-14, B-16, B-18, B-20, C-1 - C-34, D-2, D-3, D-5, D-8, E-6 - E-10, F-1 - F-16, F-18, H-2, I-4, I-10 - I-20, and M-1 - M-14.

Be it further resolved that all other provisions of said Resolution No. 442-05 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 666-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the, bid of Priority Dispatch, Inc., for an estimated quantity of messenger services, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on October 21, 2005, under the authority of Ordinance No. 548-05 passed April 25, 2005, which on the basis of the estimated quantity would amount to \$44,000.00 (2% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155323 which shall be certified against the contract in the sum of \$2,200.00

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 667-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Southern Electric Supply, d.b.a. Rexel, Inc. for an estimated quantity of PVC conduit, fittings and accessories, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on September 15, 2005, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$1,092,260.14, (Net 30 Days) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153899 which shall be certified against the contract in the sum of \$60,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the commodities,

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 668-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 814-05, passed by the Council of the City of Cleveland on June 6, 2005, Camp, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional services necessary to develop and implement a comprehensive Human Resources Enhancement Plan (HREP), for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Camp, Inc. based upon its proposal dated September 9, 2005, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$350,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

<u>Subcontractor</u>	<u>Percentage</u>	<u>Work</u>
AlphaPort Inc. (FBE)	11.31%	\$39,600.00
The Briskey Group, LLC (MBE)	13.36%	\$46,750.00
ERC Services, Inc.	10.71%	\$37,500.00
MWH, Inc.	2.36%	\$8,250.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 669-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 79-00, adopted by the Board on February 16, 2000, fixing rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, is amended by deleting that portion identified as "Energy Adjustment

Charge", and adding a new section entitled Energy Adjustment Charge which fixes certain rates, rules and regulations relating to electric service, subject to the approval of the Council of the City of Cleveland, as follows:

Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Section 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (2) of this section, and shall not be less than the charge calculated under the divisions on October 1, 1997.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers. For the period ending December 31, 2008, the incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who proved the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers. Beginning on January 1, 2009, the incremental charge for all residential customers shall be adjusted by subtracting 15 mils per kilowatt hour.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. For the period ending December 31, 2008, the incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour. Beginning on January 1, 2009, such incremental charge shall be adjusted by subtracting 15 mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during the month as herein provided.

Be it further resolved by the Board of Control of the City of Cleveland that all other provisions of Resolution No. 79-00, adopted February 16, 2000, not expressly amended by this resolution shall remain

unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 670-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Lamps, Inc., d.b.a. Environmental Recycling for an estimated quantity of testing & disposal of PCB oils and non-PCB electrical equipment, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 2nd day of September 2005, under the authority of Ordinance No. 1013-05, passed July 13, 2005, which on the basis of the estimated quantity would amount to \$200,000.00, (Net 30 Days) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157469

which shall be certified against the contract in the sum of \$50,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Lamps Inc. d.b.a. Environmental Recycling, for testing & disposal of PCB Oils and Non-PCB electrical equipment for the above mentioned requirement contract is approved:

<u>Subcontractor</u>	<u>MBE/FBE</u>
Environment Control Labs	\$10,000.00 (MBE) 5.00%
Aries Distribution	\$141.22 (FBE) .07%

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 671-05.

By Director Mok.

Whereas, under Codified Ordinance No. 139.03 passed by Cleveland City Council on June 16, 1957, and Board of Control Resolution No. 710-03 adopted November 26, 2003, the City, through the Director of Finance, entered into City Contract No. 62446 with Gallagher Pipino, Inc. to provide professional services for

the procurement of comprehensive general liability insurance and related risk management services to benefit the Cleveland Airport System;

Whereas, on November 7, 2005, Gallagher Pipino, Inc. requested the City's consent to the merger of Gallagher Pipino, Inc. into Arthur J. Gallagher Risk Management Services, Inc. and assignment of all Gallagher Pipino, Inc. obligations and interests under City Contract No. 62446 to Arthur J. Gallagher Risk Management, Inc. effective June 30, 2005; and

Whereas Arthur J. Gallagher Risk Management Services, Inc. proposes to undertake all of Gallagher Pipino, Inc.'s obligations under City Contract No. 62446 and represents that such merger and assignment shall not waive any of Gallagher Pipino, Inc.'s obligations or the City's rights; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges and consents to the merger of Gallagher Pipino, Inc. with Arthur J. Gallagher Risk Management effective January 1, 2005 and to the assignment of City Contract No. 62446 from Gallagher Pipino, Inc. to Arthur J. Gallagher Risk Management, Inc.

Be it further resolved that the Director of Finance is authorized to execute all documents and do all other things necessary to effect the consent to the merger and to the assignment of City Contract No. 62446.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 672-05.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 900-05, passed by the Council of the City of Cleveland on May 23, 2005, the firm of R. E. Warner & Associates ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide general engineering services for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with R. E. Warner & Associates based upon its proposal dated November 4, 2005, provided that the compensation to R. E. Warner & Associates for the services authorized shall not exceed \$150,000.00, for the professional services described above, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following sub-consultants by R.W. Armstrong is hereby approved:

Sub-consultant	M/FBE %	Amount
R.P Madison Int'l. MBE 20.00 %		\$30,000.00
K S Associates FBE 5.00 %		\$7,500.00
McKas Consulting FBE 5.00 %		\$7,500.00
C & S Engineering, Inc. non MBE/FBE 10.00%		\$15,000.00
Solar Testing Laboratories, Inc. non MBE/FBE 10.00%		\$15,000.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 673-05.

By Director Ricchiuto.
Resolved by the Board of Control of the City of Cleveland the bid of Perk Company, Inc., 55 Industry Drive, Bedford, OH 44146, for the public improvement of repairing and replacing brick pavement on any City Brick Street, as determined by the Director of Public Service, (Brick Street Repairs — City Wide), all items, for the Division of Engineering and Construction, Department of Public Service, received on September 1, 2005, under the authority of Ordinance No. 1503-05, passed October 24, 2005, upon a unit basis for the improvements to be performed as ordered during the period of one year ending December 31, 2006, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$497,059.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is requested to enter into a requirement contract for the improvement, which contract shall provide for the initial performance of the following work:

Requisition Number 158487 which shall be certified against the contract in the sum of \$25,000.00.

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved that the employment of the following sub-contractors is approved:

McTech Corp. (MBE) — \$79,200.00 — (15.93%)
Cuyahoga Supply (FBE) — \$5,280.00 — (1.06%)
DOT Sawing and Drilling \$4,500.00 — (0.9%)

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 674-05.

By Director Watson.
Be it resolved by the Board of Control of the City of Cleveland that under Section 181.19 (b) of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is directed to offer to sell to each police officer listed below, at fair market value; the service revolver bearing the serial number listed to the right of the respective officer's name:

	Serial No.
Batie, Walter	SW5943 TFK5420
Bernath, Tracey	SW5943 VHN9241
Berts, Kelly	SW5943 TFL6926
Bujnak, Joseph	SW5946 VJD4933
Clare, Deborah	SW5943 VHM0430
Colon, Eduardo	SW5946 TDV4909
Costanzo, Frank	SW5943 VCR6181
Crowell, Carla	SW5943 TVA6858
Cupach, Robert	SW5946 TDN7006
Daugenti, Joseph	SW5943 TYR4925
Dickens, Daniel	SW5946 TDV4948
Evans, Philmore	SW5943 TFK5437
Fuentes, Ruben	SW5943 TFK5423
Gilbert, Leroy	SW6906 TCY3191
Hayden, Othelia	SW5943 TFK5021
Hummel, James	SW5946 TDV4917
James, Benita	SW5943 TVA6965
Johnson, Darryl	SW5943 TVB0389
Jones, Noah	SW5943 TVB0384
Kasler, Timothy	SW5943 TVA6817
Kemer, Jennifer	SW5946 VJD4940
Kilbane, Timothy	SW5943 TVB0337
King, Arthur	SW5943 TFK5088
Kornatowski, David	SW5943 TYR4918
Krist, Carl	SW5903 TCZ2295
Lanasa, Brian	SW5946 VJC9424
Lett, Thomas	SW5946 VJD4958
Lewandowski, George	SW5943 TYR6203
Lewis, Jacqueline	SW5943 TVB0408
Lloyd, Kimberly	SW5946 TDV5090
Manney, Preston	SW5943 TVB0226
Marti, Kim	SW5946 TDP8581
Martinez, Gerson	SW5943 TYR4983
Mazur, Mark	GLOCK G-17 FTX383
McKay, Robert	SW5943 TYR4797
McMahon, Ryan	SW5946 TDV5087
McNamee, James	SW5943 TFK5009
Muhic, James	SW5903 TCN0252
Parker, Laura	SW5943 TVB0231
Patrici, Joan	SW5943 TVB0267
Pirinelli, Robert	SW5943 TYR4915
Rasberry, Michael	SW5943 VYY5248
Rizk, Gary	SW5943 TFK5077
Roberson, Donald	SW5943 TFK4998
Robles, Carlos	SW5943 TYR6023
Saffo, Marcus	SW5943 TVA6891
Sandoval, Joselito	SW5943 TVA6769
Smith, Melvin	SW5943 TFK4887
Sotomayer, John	SW5943 VJC9435
Stiegelmeier, Gary	SW5946 TDV4934
Travis, Tonya	SW5943 TYR6199
Williams, Suzann	SW5943 TVB0285
Young, Jayson	SW5943 VAK5426
Zaryczny, Paulette	SW5943 THD8151
Zeisel, Steven	SW5943 VHM0440
Ziska, Ann	SW5943 TFR3599

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto,

Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 675-05.

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

Whereas, City has acquired Permanent Parcel Nos. 120-01-052, 120-01-053, 120-01-054, 120-01-055, 120-01-056, 120-01-022 and 120-01-023, located at Churchill Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1836-05 passed November 21, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Christian Unity Missionary Baptist Church has proposed to the purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1836-05 passed November 21, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Christian Unity Missionary Baptist Church for the sale and development of Permanent Parcel Nos. 120-01-052, 120-01-053, 120-01-054, 120-01-055, 120-01-056, 120-01-022 and 120-01-023, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Directors Sabo, Directors Ricchiuto, Carroll, Acting Directors Pettus, Directors Thompson, Rush, Routen, Huth, 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 19, 2005

9:30 A.M.

Calendar No. 05-367: 4313-4405 Cedar Avenue (Ward 5)

Giancarlo Calicchia, owner, appeals to construct a parking lot on consolidated parcels that equal a 148' x 54' corner lot, located in a Multi-Family District on the northwest corner of Cedar Avenue and East 46th Street at 4313-4505 Cedar Avenue; subject to the limitations of a Multi-Family District, the Board of Zoning Appeals, in its opinion the best interests of the community will be served, may permit temporarily or permanently the use of land in a residential district for a parking lot, if the land abuts or is across the street from a district other than a Residence District, but provided that (1) the lot is used only for parking passenger automobiles of employees, customers or guests of the person or firm responsible for operating and maintaining the lot; (2) no charge is to be made for parking on the lot; (3) the lot is not to be used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and adjoining residential district property by a hedge, sightly fence or wall, not less than 4' but not more than 5' high, and located back of the setback building line; with all lighting arranged so that no glare annoys occupants of adjoining property in a Residence District; and the parking lot surface must be smoothly graded, hard surfaced and adequately drained; and a 4.5' landscaping strip is proposed along East 143rd Street instead of the required 6' width, as stated in Section 352.11 of the Codified Ordinances

Calendar No. 05-368: 6706-10 Detroit Avenue (Ward 17)

Gordon Square Homes LP, owner, and Michael Bier, appeal for an expansion of use to include four res-

idential units on the upper two floors of an existing three-story stores building, situated on an irregular shaped parcel in a General Retail Business District on the north side of Detroit Avenue at 6706-10 Detroit Avenue; no side yard is proposed where the side yard must be one-fourth of the height of the building, or an 11' side yard requirement, as stated in Section 357.09 of the Codified Ordinances.

Calendar No. 05-370: 742-52 Starkweather Avenue (Ward 13)

Cleveland Housing Network, owner, and Christine Robertson appeal to construct six condominiums proposed to be on a flag shaped, consolidated corner parcel in a Local Retail Business District on the north side of Starkweather Avenue between Professor Avenue and Thurman Court at 742-52 Starkweather Avenue; contrary to Section 357.08(b)(3) no rear yard is provided, where the average rear yard depth for irregular shaped lots is 10' and a width of 6' is provided, where Section 357.16(a)(3) requires a 10' width between condominiums; and contrary to Section 355.04, there is a maximum gross floor area of 9,800 s/f instead of one-half of the lot area or 8,879.5 s/f for a "C" area district; and a proposed driveway along Professor Avenue providing access to the property is over the property line and there must be not less than 15' between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line, as stated in Section 343.18(c) of the Codified Ordinances.

Calendar No. 05-371: 959 East 144th Street (Ward 10)

Rogers Retirement Center, Inc., owner, and Valdia Burns appeal to establish use as a day care for school age children and an after school program in the lower level of an existing two-story elderly care facility, situated on an approximate 90' x 126' parcel in a Two-Family District on the east side of East 144th Street at 959 East 144th Street; the proposed use being subject to the limitations of a Two-Family District and Section 337.03, and by reference, as regulated in a One-Family District (Section 337.02(f)(3)(C)), requires the Board of Zoning Appeals approval, if it is located less than 30' from an adjoining premises in a residential district not used for a similar purpose, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Calendar No. 05-372: 10548 St. Clair Avenue (Ward 8)

4HNB, LLC, owner, and Betty Bridgewater, appeal to change the use from a store to a day care in an existing one-story building, proposed to be situated on a 119' x 140' corner parcel in a Local Retail Business District on the southeast corner of St. Clair Avenue and East 106th

Street at 10548 St. Clair Avenue; the proposed day care being subject, by reference, as regulated in a Multi-Family District (Section 337.07(e), and required to be 15' from any adjoining premises in a residential district not used for a similar purpose; and contrary to Section 349.04(c), no off-street parking spaces are proposed and six spaces are required; with a 6' tall fence proposed, where the maximum height of a fence in the actual front and side street yard of a Local Retail District may not exceed a 4' height, as stated in Section 358.05 of the Codified Ordinances.

Calendar No. 05-373: 10125-27 Nanford Road (Ward 19)

Abi Akl Said, owner, appeals to change the use of an existing two family dwelling to a three family dwelling, situated on a 40' x 106' parcel on the west side of Nanford Road at 10125-27 Nanford Road; contrary to Section 337.03 where a three family dwelling is not permitted in a Two-Family District; and one parking space is provided instead of one for each dwelling unit as required in Section 349.04, and 4,788 s/f is provided for the minimum lot size, instead of 7,200 s/f, or 2,400 s/f for each dwelling unit, and the maximum gross floor area shall not exceed 50% of the lot size as stated in Section 355.05 of the Codified Ordinances.

Calendar No. 05-374: 735 East 126th Street (Ward 10)

Tamara Benjamin, owner, appeals to establish use as a Type A day care in the basement level of an existing two-story frame, two family dwelling, situated on a 40' x 118' parcel in an A1 One-Family District on the east side of East 126th Street at 735 East 126th Street; the proposed Type A day care abuts a One-Family District and is subject to the limitations of Section 337.02(f)(3)(C), that requires the Board of Zoning Appeals approval, if it is located less than 30' from an adjoining premises in a residential district not used for a similar purpose, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 5, 2005

At the meeting of the Board of Zoning Appeals on Monday, December 5, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-336: 1949 Columbus Road

Sandro Santoli appealed to erect a four-story single family residence in a Semi-Industry District.

Calendar No. 05-337: 1951 Columbus Road
Sandro Santoli appealed to erect a four-story single family residence in a Semi-Industry District.

Calendar No. 05-339: 5709 Side Avenue
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, four unit townhouse building in a Two-Family District.

Calendar No. 05-342: 5715 Side Avenue
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, four unit townhouse building in a Two-Family District.

Calendar No. 05-340: 5711 Side Avenue
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, four unit townhouse building in a Two-Family District.

Calendar No. 05-341: 5713 Side Avenue
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, four unit townhouse building in a Two-Family District.

Calendar No. 05-343: 1946 West 57th Street
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, five unit townhouse building in a Two-Family District.

Calendar No. 05-344: 1948 West 57th Street
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, five unit townhouse building in a Two-Family District.

Calendar No. 05-345: 1950 West 57th Street
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, five unit townhouse building in a Two-Family District.

Calendar No. 05-346: 1952 West 57th Street
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, five unit townhouse building in a Two-Family District.

Calendar No. 05-347: 1954 West 57th Street
Sutton Builders appealed to construct a single family dwelling and garage in a three-story, five unit townhouse building in a Two-Family District.

Calendar No. 05-349: 2087 West 7th Street
Sutton Builders appealed to construct a three-story single family residence on an irregular shaped, corner parcel in a Multi-Family District.

The following appeal was **Withdrawn**:

Calendar No. 05-208: 2906 Fulton Road
Luis Burgos and Caribe Development Company LLC appealed to erect a 5,200 s/f bakery and restaurant and a 23 space parking lot in

split zoning for Local Retail business and Two-Family Districts.

The following appeal was **Postponed**:

Calendar No. 05-303: 6501-09 Lorain Avenue postponed to January 17, 2006.

In Executive Session on December 5, 2005, the following appeals heard by the Board on November 28, 2005 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 05-334: 2301 Thurman Avenue
Jeff Eizember appealed to raise by 4' the height of a roof on an existing two family dwelling in a Two-Family District.

Calendar No. 05-338: 18501 Neff Road
Tops Markets LLC appealed to install 4' tall solid wood fence along the northern perimeter of an irregular shaped parcel that faces Shawnee Avenue in a Local Retail Business District.

The following appeal was **Denied**:

Calendar No. 05-333: 3800 Carlyle Avenue
Aeazael Velazquez appealed to install 70 linear feet of 6' tall fence to enclose the rear yard of a corner parcel in a Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of November 30, 2005

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-107-05.
RE: Appeal of Estate of Charles C. Pearson, Owner of the Parking Lot located on the premises known as 5708 Train Avenue from a NOTICE OF VIOLATION — HAZARD OTHER of the Director of the Department of Building and Housing, dated August 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will remain open for any future appeals at the request of the appellant.

* * *

Docket A-112-05.
RE: Appeal of Cleveland Municipal School District, Owner of the Three Story Masonry Property located on the premises known as 3817 E. Martin Luther King Jr. Drive (a.k.a. 3817 East 116th Street) from a NOTICE OF VIOLATION — NO PERMIT/NO INSPECTION of the Director of the Department of Building and Housing, dated October 18, 2005, requiring com-

pliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-112-05 has been POSTPONED; to be rescheduled for December 14, 2005.

* * *

Docket A-113-05.

RE: Appeal of Richard Hall & Tiffany Mosher, Owners of the Property located on the premises known as 1668 East 40th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 12, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled for December 14, 2005.

* * *

Docket A-114-05.

RE: Appeal of Hendricks Commercial Properties, Owner of the Property located on the premises known as 4855 West 130th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 28, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the time request as being required time to install the ceiling and the revised sprinkler system in accordance with the provisions of the letter dated November 29, 2005 and the comments of the Fire Prevent Bureau. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS

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

A-78-05 — Richard C. Giachetti (Amended).

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab 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 Building Code (OBC):

November 16, 2005

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, DECEMBER 14, 2005

Renovation of Main File and Office Areas Department of Building and Housing, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 835-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 8, 2005 AT 10:00 A.M., DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Improvements to Harvard Yards Service Facility for the Division of Motor Vehicle Maintenance, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2146-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 8, 2005 AT 2:00 P.M., DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 30, 2005 and December 7, 2005

THURSDAY, DECEMBER 15, 2005

Trailers, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 8, 2005 AT 2:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.**

Roll-Off Hoist Body, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 8, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.**

Cab/Chassis with Paint Body, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 9, 2005 AT 2:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.**

Keys, Locks and Hardware, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 547-05, passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 9, 2005 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASING & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 30, 2005 and December 7, 2005

FRIDAY, DECEMBER 16, 2005

Canopy Ice Guard WBS No. C-410-05, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 274-05, passed by the Council of the City of Cleveland, May 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 8, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

November 30, 2005 and December 7, 2005

WEDNESDAY, DECEMBER 21, 2005

Night Vision Sight, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 8, 2005 AT 11:00 A.M., CLEVELAND POLICE DEPARTMENT/BUDGET UNIT, 8TH FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.**

November 30, 2005 and December 7, 2005

THURSDAY, DECEMBER 22, 2005

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 15, 2005 AT 9:30 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.**

Compact and Midsize, Hybrid, Station Wagons & SUVs, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1481-04 and 829-05, passed by the Council of the City of Cleveland, October 11, 2004 and May 9, 2005, respectively.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 16, 2005 AT 2:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114**

Compact, Hybrid, & 4-Door Cars and Mid-Size, FFV, Hybrid, & 4-Door Cars, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 16, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.**

December 7, 2005 and December 14, 2005

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 2214-05.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1150 East 185th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from True North Energy, LLC, DBA True North #374, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 90739950530 to Bay Village Julien, Inc., DBA East 185th Street Shell, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 0533622; 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 C1 Liquor Permit from True North Energy, LLC, DBA True North #374, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent Number 90739950530 to Bay Village Julien, Inc., DBA East 185th Street Shell, 1150 East 185th Street, I-90, Cleveland, Ohio 44119, Permanent

Number 0533622; 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 28, 2005.

Effective December 5, 2005.

Ord. No. 1530-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 77th Street to Gertrude Jackson.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-05-151, as more fully described below, to Gertrude Jackson.

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

P. P. No. 106-05-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 35, 36 and 37 in James Decker's Subdivision of part of Original One Hundred Acre Lot No. 345, as shown by the recorded plat in Volume 7 of Maps, Page 26 of Cuya-

hoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 77th Street (formerly Smiley Avenue) at the Northwesterly corner of said Sublot No. 37; thence Easterly along the Northerly line of said Sublot Nos. 35, 36 and 37, 117 feet 3 1/2 inches to the Northeasterly corner of said Sublot No. 35; thence Southerly along the Easterly line of said Sublot No. 35, 30 feet; thence Westerly and parallel with the Northerly line of said Sublot Nos. 35 and 36, 70 feet to the Easterly line of said Sublot No. 37; thence Southerly along said Easterly line of Sublot No. 37 to the Northeasterly corner of land conveyed to George Horning, by deed dated June 7, 1904 and recorded in Volume 928, Page 191 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to the Easterly line of East 77th Street; thence Northerly along said Easterly line of East 77th Street, 46 feet 8 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 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 28, 2005.

Effective December 5, 2005.

Ord. No. 1635-05.
By Council Members Sweeney, Cimperman, Jackson, Brady and Westbrook (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Cuyahoga County Commissioners for the rehabilitation of Berea Road from Triskett Road to Detroit Avenue; 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 Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: The rehabilitation of Berea Road from Triskett Road to Detroit Avenue (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 funds 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 eligible or made necessary by the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 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 according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

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

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Sec-

tion 4511.11 and related sections of the Revised Code; and

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

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

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

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

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

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

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. 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 such time as 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 No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed

under the provisions of the ODOT Construction and Material Specifications 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), (e), (f), and (h) of this section.

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

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

Section 6. That this Council 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 an 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 are 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 additional 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 Improvement.

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

(f) That within the corporate limits of the City, the City agrees to contribute 20% of the cost of construction, construction supervision, right-of-way, and incidentals. That the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the Improvement or the Director of Public Service is authorized to enter into an 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 Improvement, and to enter into one or more agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described 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 383, 52 SF 001, 52 SF 002 and 52 SF 003, Request No. 157372.

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 its taking effect, 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.

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 1636-05.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for various infrastructure capital improvements projects and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the

State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Work Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvements:

1. Quincy Avenue (E. 40th to Woodhill Road)
2. Bellaire Road (W. 105th to W. 117th)
3. Denison Avenue (Lorain Ave. to W. 73rd)
4. East 78th Relocation (Aetna to Broadway)

Section 2. That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the city's general obligation bonds issued for bridge and road improvements.

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 28, 2005.
Effective December 5, 2005.

Ord. No. 1883-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Cecelia Brown Williams.

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

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

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

a municipal department; now, therefore,

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent No(s). 104-18-065, as more fully described below, to Cecelia Brown Williams.

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

P. P. No. 104-18-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 20 feet of Sublot No. 16 and all of Sublot No. 14 in William C. Sweeney and others's Re-Allotment of R.L. Williard's Allotment and also a Re-Allotment of parts of Luther Moses and M.N.C. Water's Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Allotment in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land 60 feet front on the Southerly side of Whittier Avenue, N.E., and extending back 142.72 feet deep on the Westerly line and about 142.71 feet deep on the Easterly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 1894-05.

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

An emergency ordinance to amend Section 16 of Ordinance No. 1982-02, passed June 10, 2003, relating to projects to be funded by the Core City Program and Economic and Community Development in the City.

Whereas, under Ordinance No. 1982-02, passed June 10, 2003, this Council authorized the issuance of \$27,400,000 principal amount of Taxable Economic and Community Development Revenue Bonds (Core City Fund) to provide funds for projects to create and preserve jobs and employment opportunities and to improve housing for individuals and families; and

Whereas, Section 16 of Ordinance No. 1982-02, established priorities for projects to be funded from the net proceeds of the Bonds, as follows: 9% for projects in furtherance of technology-based industries, 10% for non-housing projects located in the Central Business District of the City, 24% for non-housing projects not located in the Central Business District estimated to cost less than \$1,000,000, 24% for non-housing projects not located in the Central Business District estimated to cost \$1,000,000 or more, and 33% for housing projects; and

Whereas, this Council has determined to eliminate those restrictions on the expenditure of the net proceeds of the Bonds so that the proceeds may be used for any economic development project consistent with Chapter 165 of the Revised Code or any residential housing project consistent with Section 16 of Article VIII of the Ohio Constitution and other applicable laws of the State; and

Whereas, it is necessary to eliminate the restrictions in Section 16 of Ordinance No. 1982-02 as soon as possible to address financing needs of pending economic and community development projects and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. That Section 16 of Ordinance No. 1982-02, passed June 10, 2003, is amended to read as follows: Section 16. Reserved.

Section 2. That existing Section 16 of Ordinance No. 1982-02, passed June 10, 2003, is repealed.

Section 3. That the executive summary and other handouts presented to the Finance Committee of this Council and the schedule of fund balances described at the Finance Committee and previously provided to the Citywide Community Development Corporation shall be placed in File No. 1894-05-A.

ment Corporation shall be placed in File No. 1894-05-A.

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 28, 2005.
Effective November 30, 2005.

Ord. No. 1962-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Lexington Avenue to Chinonye Onyeukwu.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent No(s). 104-19-034 and 104-19-035, as more fully described below, to Chinonye Onyeukwu.

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

P. P. No. 104-19-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in Luther and Arvilla Moses Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records and being 40 feet front on the Northerly side of Lexington Avenue and extending back of equal width 150 feet deep, be the same more or less, but subject to all legal highways.

P. P. No. 104-19-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 54 in the Luther Moses "et.al." Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County

Records and being 40 feet front on the Northerly side of Lexington Avenue, and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

Section 4. That the consideration for the subject parcel shall be 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 28, 2005.
Effective December 5, 2005.

Ord. No. 2037-05.

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

An emergency ordinance to amend the title and Section 3 of Ordinance No. 1146-05, passed July 13, 2005, regarding the improvement to East 12th and East 13th Streets, St. Clair, Rockwell, Superior Avenues, and unnamed streets between E. 13th, Rockwell, Superior and E. 18th Streets; to supplement the ordinance by adding new Section 3; and to renumber existing Sections 3 and 4 to new Sections 4 and 5.

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

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

Section 1. That the title and Section 3 of Ordinance No. 1146-05, passed July 13, 2005, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of demolishing, grading and paving, constructing streets, sidewalks driveway aprons, curbs, curbing ramps, median strips, intersections, utility boxes, casting adjustments, and appurtenances on East 12th and East 13th Streets, St. Clair, Rockwell, Superior Avenues, and unnamed streets between E. 13th, Rockwell, Superior and E. 18th Streets, including streetscaping, landscaping, and installing electrical service connections, street lighting and other related infrastructure improvements; and authorizing the Director of Public Service, Public Utilities, or Community Development, as appropriate, to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Directors of Public Service, Public Utilities, or Community Development, as appropriate, to employ one or more professional consultants to design the improvement.

Section 3. That the cost of the improvement and professional services authorized shall be paid from Fund No. 20 SF 505, Request No. 148512.

Section 2. That the existing title and Section 3 of Ordinance No. 1146-05, passed July 13, 2005, are repealed.

Section 3. That Ordinance No. 1146-05, passed July 13, 2005, is supplemented by adding new Section 3 to read as follows:

Section 3. That the Directors of Public Service, Public Utilities, or Community Development, as appropriate, are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvement described above.

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

Section 4. That existing Sections 3 and 4 Ordinance No. 1146-05, passed July 13, 2005, are renumbered to new "Section 4" and "Section 5".

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

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

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 2040-05.
By Council Members Cimperman, Pierce Scott and Jackson (by department request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Dealer Tire, LLC and Mueller Realty, LLC to provide for a 10-year, 60% percent tax abatement on real property improvements, and a 4-year, 60% tax abatement on personal property acquisition in the form of new machinery and equipment, inventory, and furniture and fixtures to assist with the expansion at 3711 Chester Avenue, Cleveland, Ohio 44114.

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 Revised Code; and

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

Whereas, Dealer Tire, LLC and Mueller Realty, LLC (the "Enterprise") has proposed to expand its corporate headquarters at 3711 Chester Avenue through real and personal property investments in Cleveland in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on certain real property improvements and certain tangible personal property in the form of new machinery and equipment, inventory, and furniture and fixtures 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 10-year, sixty percent (60%) tax abatement for real property improvements, and a 4-year, sixty percent (60%) abatement of taxes on personal property acquisition in the form of machinery and equipment, inventory, and furniture and fixtures; 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. 2040-05-B. 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.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 2041-05.
By Council Members Pierce Scott and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a venue for film, television, and commercial productions.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with the Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a venue for film, television, and commercial production.

Section 2. That the costs of the grant shall not exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00) and shall be paid from Fund No. 17 SF 652, Request No. 103681.

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

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

Passed November 28, 2005.
 Effective December 5, 2005.

Ord. No. 2067-05.
By Council Members White and Jackson (by departmental request).

An emergency ordinance to amend various sections of Chapter 191 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004, relating to municipal income tax.

Whereas, this ordinance constitutes an emergency measure providing for 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 191.0311, 191.031302, 191.0705, 191.1102, 191.1104, 191.1504, and 191.1902, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004 of the Codified Ordinances of Cleveland, Ohio, 1976, are amended to read as follows:

Section 191.0311 Net Profits

"Net profits" mean (i) if the taxpayer is a corporation, the corporation's "adjusted federal taxable

income" as that term is defined in Sections 718.01(A)(1)(a)-(f) of the Revised Code; (ii) if the taxpayer is an "association," "pass-through entity," or "unincorporated business entity," "adjusted federal taxable income" as that term is defined in Section 718.01(A)(1)(g) of the Revised Code; and (iii) if the taxpayer is an individual, the individual's profit, other than amounts specifically excluded in Section 718.01(F) of the Revised Code, required to be reported on federal Schedule C, Schedule E, or Schedule F, as provided by the Internal Revenue Service.

The "net profits" of a taxpayer shall be adjusted in accordance with the provisions of this Chapter and the Rules and Regulations.

Section 191.031302 Other Payer

"Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual.

Section 191.0705 Operating Loss; Carry Forward

(a) The portion of a net operating loss sustained in any taxable year subsequent to January 1, 1967, allocable to the City may be applied against the portion of the net profit of succeeding tax years allocable to the City, until exhausted but in no event for more than five (5) taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.

(b) The portion of net operating loss sustained shall be allocated to the City in the same manner as provided herein for allocating net profits to the City.

(c) The Tax Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry forward shall be determined.

Section 191.1102 Form and Content of Return

The city income tax return shall be filed with the Tax Administrator on a form prescribed by and obtainable upon request from the Tax Administrator or on a generic form in accordance with Section 718.05 of the Revised Code, setting forth:

(a) The aggregate amounts of all qualifying wages, net profits and all other taxable income earned and/or received by the taxpayer during the taxable year and subject to the city income tax;

(b) The amount of the tax imposed by this chapter on such qualifying wages, net profits; and all other taxable income;

(c) Such other pertinent statements, schedules, information, returns, copies of federal or state tax returns or any other information as the Tax Administrator may require; and

(d) In accordance with Section 718.051 of the Revised Code and the Rules and Regulations, taxpayers subject to the city income tax on the net profits from a business or pro-

fession may file the city income tax return by using the Ohio Business Gateway.

Section 191.1104 Consolidated Returns

(a) Filing of consolidated returns may be permitted or required in accordance with the Rules and Regulations prescribed by the Tax Administrator. A consolidated return may be filed by any affiliated group of corporations subject to the tax imposed by this chapter if that affiliated group filed for the same taxable year a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code. If an affiliated group of corporations subject to the tax imposed by this chapter is required to file a consolidated return or files a consolidated return in accordance with this Section, the affiliated group of corporations must continue to file consolidated returns including that group of corporations and any other group of corporations included in the federal consolidated filing group for all subsequent taxable years that the group files a consolidated tax return for federal tax purposes unless, on or before the due date for filing the city income tax return for the taxable year, the affiliated group obtains written permission from the Tax Administrator to file separate returns for that year.

(b) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City constituting a portion only of its total business, the Tax Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City. If the Tax Administrator finds that net profits are not properly allocated to the City by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Tax Administrator shall make such allocation to produce a fair and proper allocation of net profits to the City.

Section 191.1504 Abatement of Interest and Penalty

Upon recommendation of the Tax Administrator, the Board of Review may abate penalty or interest, or both, or upon a written appeal by the taxpayer upon the refusal of the Tax Administrator to recommend abatement of penalty, interest, or both, the Board may nevertheless abate penalty or interest, or both, for reasonable cause shown.

The Rules and Regulations may authorize the Tax Administrator to abate penalty, interest, or both, for reasonable cause shown in certain circumstances.

Section 191.1902 Cleveland Resident Subject to Income Tax in Other Municipality

(a) When a resident is subject to and has paid a municipal income tax in another municipality on the same income taxable under this chapter, regardless of whether such other municipality allows a credit to its residents, and the rate of Cleveland's municipal income tax is less than two and one-half percent (2.5%), such resident may claim a credit of the amount of income tax paid to the other municipality, but not in excess of fifty percent (50%) of the tax imposed by this chapter. When a resident is subject to and has paid a municipal income tax in another municipality on the same income taxable under this chapter regardless of whether such other municipality allows a credit to its residents and the rate of Cleveland's municipal income tax is two and one-half percent (2.5%) or more, such resident may claim a credit of the amount of income tax paid to the other municipality which credit shall not exceed the tax assessed by this chapter on the resident's taxable income subject to tax by another municipality.

(b) In the event a resident is entitled to credit for taxes paid another municipality, such resident is required to file a return on a form in such manner as the Tax Administrator may prescribe.

(c) Assignment of any claim for refund to which a resident may be entitled from another municipality shall be tentatively accepted as payment of that portion of city income tax represented by such assignment. However, if satisfactory evidence is offered that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefor because of fault or neglect on the part of either municipality.

(d) In the event such resident fails, neglects or refuses to file such return or form as is prescribed by the Tax Administrator, such resident shall not be entitled to such credit and shall be considered in violation of this chapter for failure to file a return and make payment of taxes due hereunder.

(e) A resident owner of a pass-through entity that does not conduct business in the City and that has paid an income tax to another municipality may claim a credit equal to the lesser of (i) the resident owner's proportionate share of the amount, if any, of income tax paid by the pass-through entity to another municipality in the State; or (ii) the resident owner's proportionate share of the amount of city income tax that would be imposed on the pass-through entity if the pass-through entity conducted business in the City.

(f) In no case shall the amount of the credit allowed under division (e) of this Section exceed the tax assessed by this chapter on the resident owner's taxable income subject to tax by another municipality.

(g) The credits provided in Section 718.021 and 718.121 shall be available to residents, if applicable.

(h) Except as otherwise provided in Sections 718.021; 718.121 and 718.14

of the Revised Code, this chapter and the Rules and Regulations, where a nonresident is subject to the tax imposed by this chapter and is subject to tax on the same taxable income in the municipality where such nonresident resides, no credit against the city income tax levied by this chapter shall be allowed.

Section 2. That Sections 191.0311, 191.031302, 191.0705, 191.1102, 191.1104, 191.1504, and 191.1902, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004 of the Codified Ordinances of Cleveland, Ohio, 1976, 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 28, 2005.
Effective December 5, 2005.

Ord. No. 2081-05.

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

An emergency ordinance to amend Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, relating to a contract with The Great Lakes Towing Company for financial assistance for services and to construct improvements to 4500 Division 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 Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, are amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1059-05-B, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Seventy-Five thousand Dollars (\$375,000) from Fund No. 10 SF 541, and Four Hundred Thirty-Nine Thousand Five Hundred Dollars (\$439,500) from Fund No. 10 SF 552, for an aggregate total of \$814,500, which funds are appropriated for this purpose, Request No. 103660.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 10 SF 542 and 10 SF 553.

Section 2. That existing Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, are repealed.

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

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

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 2082-05.

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

An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, relating to an Enterprise Zone Agreement with The Great Lakes Towing Company for 4500 Division 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 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The Great Lakes Towing Company to provide for a ten-year, seventy-five percent tax abatement for certain tangible real property improvements as an incentive to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise Zone Agreement with the Enterprise Zone Agreement to provide for a ten-year, seventy-five percent tax abatement for real property improvements in the form of new construction, renovation, and site improvements at 4500 Division Avenue; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1058-05-B. 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 2. That the existing title, and Sections 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, are repealed.

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

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 2126-05.

By Council Member Jackson (by departmental request).

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

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

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

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

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

GENERAL FUND	\$	1,200,000
SPECIAL REVENUE FUND	\$	1,450,000
INTERNAL SERVICE FUND	\$	140,000
ENTERPRISE FUND	\$	85,000
TOTAL ALL FUNDS	\$	2,875,000
GENERAL FUND		
DEPARTMENT OF PUBLIC SAFETY		
Division of Fire		\$1,200,000
I. Personnel and Related Expenses	\$1,200,000	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$1,200,000	<u>\$1,200,000</u>
TOTAL GENERAL FUND	\$1,200,000	<u>\$1,200,000</u>
SPECIAL REVENUE FUND		
Street Construction, Maintenance & Repair Fund		\$1,450,000
I. Personnel and Related Expenses	\$1,450,000	
TOTAL SPECIAL REVENUE FUNDS	\$1,450,000	<u>\$1,450,000</u>
INTERNAL SERVICE FUND		
Division of Motor Vehicle Maintenance		\$ 140,000
II. Other Expenses	\$ 140,000	
TOTAL INTERNAL SERVICE FUNDS	\$ 140,000	<u>\$ 140,000</u>
ENTERPRISE FUNDS		
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$ 85,000
I. Personnel and Related Expenses	\$ 35,000	
II. Other Expenses	\$ 50,000	
TOTAL PARKS, RECREATION, & PROPERTIES	\$ 85,000	<u>\$ 85,000</u>
TOTAL ENTERPRISE FUNDS	\$ 85,000	<u>\$ 85,000</u>
TOTAL ALL FUNDS	\$2,875,000	<u>\$2,875,000</u>

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

Passed November 28, 2005.

Effective November 30, 2005.

Ord. No. 2128-05.**By Council Member Jackson (by departmental request).**

An emergency ordinance to provide the transfer of Five Million Five Hundred Eighty Seven Thousand Dollars (\$5,587,000) within various divisions of the General Fund; Fifty Thousand Dollars (\$50,000) within the Special Revenue Fund; One Hundred Seventy Five Thousand Dollars (\$175,000) within the Internal Service Funds; and Eight Hundred Seventy Six Thousand Dollars (\$876,000) within the Enterprise Fund.

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

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

Section 1. That the sum of Six Million Six Hundred Eighty Eight Thousand Dollars (\$6,688,000) be the same and hereby transferred as follows:

	Transfer To	Transfer From
GENERAL FUND		
LEGISLATIVE BRANCH		
Council and Clerk of Council		
I Personnel and Related Expenses	\$ -	\$ 100,000
II Other Expenses	\$ 100,000	\$ -
TOTAL LEGISLATIVE BRANCH	\$ 100,000	\$ 100,000
JUDICIAL BRANCH		
Municipal Court - Judicial Division		
I Personnel and Related Expenses	\$ -	\$ 950,000
Municipal Court - Housing Division		
I Personnel and Related Expenses	\$ -	\$ 40,000
Municipal Court - Clerk's Division		
I Personnel and Related Expenses	\$ -	\$ 130,000
II Other Expenses	\$ 130,000	\$ -
TOTAL JUDICIAL BRANCH	\$ 130,000	\$ 1,120,000
EXECUTIVE BRANCH		
Office of the Mayor		
I Personnel and Related Expenses	\$ -	\$ -
DEPARTMENT OF PUBLIC SAFETY		
I Personnel and Related Expenses	\$ -	\$ 25,000
II Other Expenses	\$ -	\$ 30,000
Division of Police		
I Personnel and Related Expenses	\$ 400,000	\$ -
II Other Expenses	\$ -	\$ 480,000
Division of Fire		
I Personnel and Related Expenses	\$ 650,000	\$ -
II Other Expenses	\$ -	\$ 250,000
Division of Emergency Medical Services		
I Personnel and Related Expenses	\$ 1,440,000	\$ -
II Other Expenses	\$ 55,000	\$ -
Division of Dog Pound		
II Other Expenses	\$ 5,000	\$ -
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 2,550,000	\$ 785,000
COMMUNITY RELATIONS BOARD		
Community Relations Board		
I Personnel and Related Expenses	\$ -	\$ 30,000
TOTAL COMMUNITY RELATIONS BOARD	\$ -	\$ 30,000
DEPARTMENT OF CONSUMER AFFAIRS		
Consumer Affairs		
I Personnel and Related Expenses	\$ -	\$ 15,000
TOTAL DEPARTMENT OF CONSUMER AFFAIRS	\$ -	\$ 15,000

DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		
I Personnel and Related Expenses	\$ 4,000	\$ -
Division of Waste Collection and Disposal		
I Personnel and Related Expenses	\$ 140,000	\$ -
II Other Expenses	\$ 760,000	\$ -
Division of Engineering and Construction		
I Personnel and Related Expenses	\$ -	\$ 15,000
II Other Expenses	\$ -	\$ 10,000
Division of Traffic Engineering		
I Personnel and Related Expenses		
II Other Expenses	\$ 50,000	\$ -
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 954,000	\$ 25,000
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Recreation		
I Personnel and Related Expenses	\$ -	\$ 519,000
II Other Expenses	\$ 70,000	\$ -
Division of Parking Facilities-On Street		
I Personnel and Related Expenses	\$ 45,000	\$ -
II Other Expenses	\$ 20,000	\$ -
Division of Property Management		
I Personnel and Related Expenses	\$ -	\$ 106,000
II Other Expenses	\$ -	\$ 155,000
Division of Park Maintenance and Properties		
I Personnel and Related Expenses	\$ -	\$ 416,000
II Other Expenses	\$ 100,000	\$ -
TOTAL PARKS, RECREATION, AND PROPERTIES	\$ 235,000	\$ 1,196,000
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Neighborhood Development		
II Other Expenses	\$ 21,000	\$ -
TOTAL COMMUNITY DEVELOPMENT	\$ 21,000	\$ -
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir Office		
I Personnel and Related Expenses	\$ 2,000	\$ -
II Other Expenses	\$ -	\$ -
Division of Code Enforcement		
I Personnel and Related Expenses	\$ -	\$ 185,000
II Other Expenses	\$ -	\$ 15,000
Division of Construction Permit		
I Personnel and Related Expenses	\$ -	\$ 20,000
TOTAL BUILDING AND HOUSING	\$ 2,000	\$ 220,000
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		
I Personnel and Related Expenses	\$ -	\$ 50,000
TOTAL DEPARTMENT OF ECON DEVELOPMENT	\$ -	\$ 50,000
Office of Equal Opportunity		
I Personnel and Related Expenses	\$ -	\$ 45,000
II Other Expenses	\$ 70,000	\$ -
City Planning Commission		
I Personnel and Related Expenses	\$ -	\$ 30,000
II Other Expenses	\$ 50,000	\$ -
TOTAL URBAN PLANNING AND DEVELOPMENT	\$ 143,000	\$ 345,000

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

PERSONNEL ADMINISTRATION		
Civil Service Commission		
I Personnel and Related Expenses	\$ -	\$ 20,000
TOTAL PERSONNEL ADMINISTRATION	\$ -	\$ 20,000
NONDEPARTMENTAL		
County Auditor Deductions		
II Other Expenses	\$ -	\$ 115,000
OTHER ADMINISTRATIVE		
II Other Expenses	\$ -	\$ 1,240,000
TOTAL NONDEPARTMENTAL	\$ -	\$ 1,355,000
TOTAL SUPPORT FUNCTIONS	\$ 430,000	\$ 1,786,000
TRANSFERS TO OTHER FUNDS		
II Other Expenses	\$ 750,000	\$ -
TOTAL EXECUTIVE BRANCH	\$ 5,357,000	\$ 4,367,000
TOTAL GENERAL FUND	\$ 5,587,000	\$ 5,587,000
SPECIAL REVENUE FUND		
Street Construction, Maintenance & Repair Fund		
I Personnel and Related Expenses	\$ 50,000	\$ -
II Other Expenses	\$ -	\$ 50,000
TOTAL SPECIAL REVENUE FUNDS	\$ 50,000	\$ 50,000
INTERNAL SERVICE FUND		
Information Technology & Services-Telephone Exchange		
I Personnel and Related Expenses	\$ -	\$ 125,000
II Other Expenses	\$ 125,000	\$ -
Division of Printing and Reproduction		
I Personnel and Related Expenses	\$ -	\$ 50,000
II Other Expenses	\$ 50,000	\$ -
TOTAL INTERNAL SERVICE FUNDS	\$ 175,000	\$ 175,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Division of Water Pollution Control		
I Personnel and Related Expenses	\$ -	\$ 750,000
II Other Expenses	\$ 750,000	\$ -
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$ 750,000	\$ 750,000
DEPARTMENT OF PARKS, RECREATION, & PROPERTIES		
Division of Convention Center		
I Personnel and Related Expenses	\$ -	\$ 100,000
II Other Expenses	\$ 100,000	\$ -
Division of Convention Center & Stadium-West Side Market		
I Personnel and Related Expenses	\$ -	\$ 25,000
II Other Expenses	\$ 25,000	\$ -
Division of Property Management - East Side Market		
I Personnel and Related Expenses	\$ 1,000	\$ -
II Other Expenses	\$ -	\$ 1,000
TOTAL PARKS, RECREATION, & PROPERTIES	\$ 126,000	\$ 126,000
TOTAL ENTERPRISE FUNDS	\$ 876,000	\$ 876,000
TOTAL ALL FUNDS	\$ 6,688,000	\$ 6,688,000

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.

Passed November 28, 2005.

Effective November 30, 2005.

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

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

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

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

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

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

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

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

Passed November 28, 2005.
Effective December 5, 2005.

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

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

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

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

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

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

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

Passed November 28, 2005.
Effective December 5, 2005.

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

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of industrial paper products and cloth wipers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the var-

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118743)

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

Passed November 28, 2005.
Effective December 5, 2005.

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

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

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

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

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

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

the contract or contracts certified by the Director of Finance. (RL 118742)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage 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 28, 2005.
Effective December 5, 2005.

Ord. No. 2133-05.

By Council Member Jackson (by departmental request).

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118741)

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

Passed November 28, 2005.
Effective December 5, 2005.

Ord. No. 2213-05.

By Council Member Britt.

An emergency ordinance amending Section 1 of Ordinance No. 1547-05, passed August 3, 2005 as it to authorizing the Director of Community Development to enter into an agreement with Cleveland Art Theatre for the Innovative After School Enrichment Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 1547-05, passed August 3, 2005 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Cleveland Art Theatre for the Innovative After School Enrichment Program for the public purpose of providing educational activities and art programs for Cleveland youth in the performing arts through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 1547-05, passed August 3, 2005 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 28, 2005.
Effective December 5, 2005.

COUNCIL COMMITTEE MEETINGS

**Monday, December 5, 2005
Joint Committee Meetings
9:00 a.m.**

City Planning (Zoning) Committee: Present: Cimperman, Chair; Lewis, Kelley, Pierce Scott. *Authorized Absence:* Conwell, Vice Chair; Brancatelli, Lipovan Holan. *Pro-tem:* Britt, Knight.

9:00 a.m.

Health and Human Services Committee and Finance Committee: Present in Health: Britt, Chair; Zone, Vice Chair; Pierce Scott. *Authorized Absence:* Lipovan Holan, Conwell, Polensek, Cintron. *Pro-tem:* Knight, Kelley, Lewis, Coats.

Present in Finance: Sweeney, Vice Chair; Brady, Westbrook, Cimperman, Britt, Coats, Pierce Scott, Reed. *Authorized Absence:* Jackson, Vice Chair; Conwell, White. *Pro-tem:* Kelley, Lewis, Knight, Zone.

9:00 a.m.

Employment, Affirmative Action and Training Committee and Finance Committee: Present in Employment: Lewis, Chair; Conwell, Vice Chair;

Polensek, Coats, Reed. *Authorized Absence:* Johnson, Cintron. *Pro-tem:* Knight.

Present in Finance: Sweeney, Vice Chair; Brady, Westbrook, Cimperman, Conwell, Britt, White, Coats, Pierce Scott, Reed. *Authorized Absence:* Jackson, Chair. *Pro-tem:* Kelley, Lewis, Knight, Zone.

9:00 a.m.

Community and Economic Development Committee, City Planning Committee, Legislation Committee and Finance Committee: Present in CED: Pierce Scott, Chair; Cimperman, Vice Chair; Brady, Lewis, Westbrook, Zone, Coats, Reed. *Authorized Absence:* Cintron.

Present in Planning: Cimperman, Chair; Conwell, Vice Chair; Lewis, Kelley, Pierce Scott. *Authorized Absence:* Brancatelli, Lipovan Holan. *Pro-tem:* Britt, Knight.

Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Westbrook. *Authorized Absence:* Brancatelli, Lipovan Holan, Johnson. *Pro-tem:* Lewis, Knight, Zone.

Present in Finance: Sweeney, Vice Chair; Brady, Westbrook, Cimperman, Conwell, Britt, White, Coats, Pierce Scott, Reed. *Authorized Absence:* Jackson, Chair. *Pro-tem:* Kelley, Lewis, Knight, Zone.

9:00 a.m.

Public Service Committee, City Planning Committee and Finance Committee: Present in Service: Sweeney, Chair; Brady, Knight, Cimperman, Kelley, Zone, Polensek, White. *Authorized Absence:* Johnson. *Pro-tem:* Reed, Lewis.

Present in Planning: Cimperman, Chair; Conwell, Vice Chair; Lewis, Kelley, Pierce Scott. *Authorized Absence:* Brancatelli, Lipovan Holan. *Pro-tem:* Britt, Knight.

Present in Finance: Sweeney, Vice Chair; Brady, Westbrook, Cimperman, Conwell, Britt, White, Coats, Pierce Scott, Reed. *Authorized Absence:* Jackson, Chair. *Pro-tem:* Kelley, Lewis, Knight, Zone.

9:00 a.m.

Public Safety Committee, Legislation Committee and Finance Committee: Present in Safety: Reed, Chair; Britt, Vice Chair; Brady, Knight, Conwell, Kelley, Zone, White, Coats.

Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Westbrook. *Authorized Absence:* Brancatelli, Lipovan Holan, Johnson. *Pro-tem:* Lewis, Knight, Zone.

Present in Finance: Sweeney, Vice Chair; Brady, Westbrook, Cimperman, Conwell, Britt, White, Coats, Pierce Scott, Reed. *Authorized Absence:* Jackson, Chair. *Pro-tem:* Kelley, Lewis, Knight, Zone.

9:00 a.m.

Finance Committee: Present: Sweeney, Vice Chair; Brady, Westbrook, Cimperman, Conwell, Britt, White, Coats, Pierce Scott, Reed. *Authorized Absence:* Jackson, Chair. *Pro-tem:* Kelley, Lewis, Knight, Zone.

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