

# The City Record

Official Publication of the Council of the City of Cleveland



December the First, Two Thousand and Four

**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

The City Record is available online at  
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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	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

Debra M. Janik, Chief of Staff  
 Darnell Brown, Chief Operating Officer  
 Timothy Mueller, Executive Assistant  
 Craig Tame, Executive Assistant  
 Galen L. Schuerlein, Executive Assistant  
 \_\_\_\_\_, Director, Office of Equal Opportunity  
 Margreat A. Jackson, Legislative Affairs Liaison  
 Erik Janas, Inter-Governmental Affairs Officer  
 Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, 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 – James S. Higgins, Commissioner, 1404 East 9th Street  
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128  
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – 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 Bahur, 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 – \_\_\_\_\_, Commissioner  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.  
 Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – 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 – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

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

DEPT. OF COMMUNITY DEVELOPMENT – 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 Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director \_\_\_\_\_; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Bauknight, 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 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, DECEMBER 1, 2004

No. 4747

## CITY COUNCIL

MONDAY, NOVEMBER 29, 2004

### The City Record

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

The City Record is available  
online at

[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Address all communications to

**VALARIE J. McCALL**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

November 24, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 24, 2004, at 10:30 a.m. with Acting Mayor Chandra presiding.

Present: Acting Mayor and Director Chandra, Acting Director Dumas,

Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Absent: Directors Taylor and Williams.

Others: Debra Midgett, Acting Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

#### Resolution No. 656-04.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of October, 2004 in the amount of \$18,610,799 hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

#### Resolution No. 657-04.

By Director Baker.

Whereas, under authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 14, 2003, Resolution No. 403-04, adopted by this Board of Control on July 7, 2004, authorized the City to enter into a requirement contract with Audio Intelligence Devices, Inc., for purchase of cargo vans with an interior conversion package, for a total estimated amount of \$78,330.60; and

Whereas, the successful bidder, by letter, notified the City that its former company name, Audio Intelligence Devices, Inc., and businesses unrelated to performance of the contract were sold on June 3, 2004, and requests the City's consent to change the successful bidder's name to Advanced Vehicle Systems, LLC, which will complete the obligations of Audio Intelligence Devices, Inc., under the forthcoming contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the City consents to the successful bidder's request to change its name under the forthcoming contract for cargo vans with interior conversions to Advanced Vehicle Systems, LLC, and Resolution No. 403-04 adopted by this Board on July 7, 2004, is amended by deleting "Audio Intelligence Devices, Inc." and substituting "Advanced Vehicle Systems, LLC," where appearing.

Be it further resolved that all other provisions of Resolution No. 403-04 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 658-04.**

By Director Baker.

Whereas, Board of Control Resolution No. 549-04, adopted September 29, 2004 authorized the Director of Finance to enter into contract with American Fiber Systems to provide professional services necessary to design, construct and install a fiber optic cable connection between the 3rd District Police Station at 2001 Payne Avenue and the Data Center at 205 St. Clair Avenue; and

Whereas, Resolution No. 549-04 did not list Utilities Construction, Inc. as a subcontractor; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by American Fiber Systems, Inc. under the contract for the design, construction, and installation of fiber optic cable between 3rd District Police Station at 2001 Payne Avenue and the Data Center at 205 St. Clair Avenue approved by Resolution No. 549-04, adopted by this Board on September 29, 2004, under authority of Ordinance No. 1257-04, passed August 11, 2004, is approved:

<u>Subconsultant</u>	<u>Amount</u> <u>Percentage</u>
Utilities Construction, Inc.	\$212,940.00 60%

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 659-04.**

By Director Mok.

Be it resolved, by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 552-2000 and 1234-2000, passed by the Council of the City of Cleveland on June 19, 2000 and July 17, 2000, the firm of Chagrin River Land Conservancy, Inc. ("Consultant"), is

selected upon the nomination of the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to provide professional monitoring and assessment services and assist the Department in compliance with the terms and conditions as required by the US Army Corp of Engineers for Cleveland Hopkins International Airport.

Be it further resolved, that the Director of Port Control is authorized to enter into a written contract with Chagrin River Land Conservancy based upon its proposal dated June 18, 2004, provided that the compensation to Chagrin River Land Conservancy, Inc. for the services authorized shall not exceed Thirty Thousand Seven Hundred Seventy-Five and 00/100 Dollars (\$30,775.00) 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.

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 660-04.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 468-04, passed by the Council of the City of Cleveland on April 26, 2004, the firm of HNTB Ohio, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to prepare planning studies for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with HNTB Ohio, Inc. based upon its March 12, 2004 proposal, for a term of two years ("Initial Term") with one two-year option to renew, exercisable by the Director of Port Control, which contract shall be prepared by the Director of Law, and shall provide for rendering professional services as stated in the proposal, for a fee not exceeding One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) for the first year of services and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultants by HNTB Ohio, Inc. is approved:

<u>Subconsultants</u> <u>DBE/MBE/FBE %</u>	<u>Amount</u>
DLZ Ohio, Inc. MBE - 15%	\$22,500.00
Vocon Design, Inc. FBE - 3%	\$ 4,500.00
Minerva Consulting, Inc. FBE - 1%	\$ 1,500.00
Cleveland City Blue Print Co., LLC FBE - 1%	\$ 1,500.00
Richard Fleischman & Partners Architects Non-MBE/FBE - 12%	\$18,000.00
Facility Engineering Associates, PC Non-MBE/FBE - 3%	\$ 4,500.00

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 661-04.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 2432-03, passed by the Council of the City of Cleveland on February 2, 2004, the firm of URS Corporation ("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 professional design services for the extension of Runway 6R-24L at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with URS Corporation based upon its May 5, 2004 proposal, provided that the compensation to URS Corporation for the services authorized shall not exceed Two Million Eight Hundred Ninety-Nine Thousand Seven Hundred Sixty-One and 00/100 Dollars (\$2,899,761.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law determines necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultants by URS Corporation is approved:

<u>Subconsultant</u> <u>M/FBE %</u>	<u>Amount</u>
G & T Electric 22.02% MBE	\$638,540.00
KS Associates 4.12% FBE	\$119,500.00
City Blue .90% FBE	\$ 26,000.00

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 662-04.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on November 4, 2004, for the rehabilitation/reconstruction of West 105th Street for the Division of Engineering and Construction, Department of Public Service, pursuant to the authority of Ordinance No. 649-03, passed by the Council of the City of Cleveland on May 12, 2003, as amended by Ordinance No. 2330-03, passed by the Council of the City of Cleveland on February 9, 2004, are rejected.

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 663-04.**

By Director Watson.

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

	Serial No.
Keith Campbell	5943 VHN2533
Ray Cheese	5943 TFL6581
John Douglas	5943 VJN7503
Michael Dunst	5943 VJN7476
Daniel Finn	5943 VJN7444
Anthony George	5943 TVA6861
Rickie Gilbert	5943 TFK4972
Marisol Gonzalez	5943 VHN9197
Leon Goodlow	5943 TFK5010
Debra Harrison	6906 TCN3879
George Januszak	5943 VJN7500
Michelle Kennedy	5943 TFK5019
John Kubas	5943 VAK7480
Thomas Larkin	5943 TFK5228
Michael Lawrence	5943 VED5658
James Leftwich	5943 TYR6190
Thomas Magyar	5943 VYY5214
Maggie Massa	5943 VJN7421
Joseph Mismas	6946 VJC9445
Brian Morehead	5943 VED5638
Theodore Perez	5943 VJN7447
William Phillips	5943 VJN7471
Ryan Ross	5943 VJN7449
Thomas Ross	5943 VJN7435
Charles Russell	5943 TFK5212
Sandra Semethy	5943 VCT2654
Scott Sieger	5943 VHM0390
Anthony Spencer	5943 VHM0363
Allen Strange	5943 TVA6968
Troy Strong	5943 VJN7456
William Tell, Jr.	5943 VJN7434
Richard Varndell	5943 VJN7437
Thomas Walsh	5943 VJN7478
Robert Yuhas	5943 VJN7506

Yeas: Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

Abstained: Acting Mayor and Director Chandra.

**Resolution No. 664-04.**

By Director Watson.

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

	Serial No.
Charles Baker	9MM,5943 VCR6088
Thomas Balak	9MM,5943 TFK5153
Joseph Billups	9MM,5943 TFK5013
Charles Boddy	9MM,6906 TCY3469
Robert Bonness	9MM,5903 TCZ2055
Thomas Butler	9MM,5943 TFK5006
Kevin Callahan	9MM,5943 VYY5208
Brian Chetnik	9MM,5943 VHM0374
James Chura	9MM,5943 VJD4677
Daniel David	9MM,5943 VCT2630
Richard Dembie	9MM,5943 VJN7420
Gregory Dubray	9MM,5903 TCZ2365
Ronald Ehrbar	9MM,5946 TDV5009
James Flowers	9MM,5943 VCT2663
Robert Ford	9MM,5943 TFK4919
Michael Galandiuk	9MM,5943 TVA6949
Carlos Garcia	9MM,5943 TYR6144
Larry Guerra	9MM,5946 TDBn7015
Christ Haist	9MM,5943 VCR6108
Jerry Hawkins	9MM,5943 TYR6174
Timothy Holsten	9MM,5946 VJD4664
Kennedy Jones	9MM,5946 TDN6806
Paul Juliano	9MM,5943 VCT2643
Donald Kennelly	9MM,5943 TFK5129
Clifford Kime	9MM,5946 TDN6833
James Kooser	9MM,5946 TDU5121
Brandon Kutz	9MM,5943 VCT2624
Christopher Lane	9MM,5943 VDM7359
Felton Mathis	9MM,5943 TVA6906
Mark Mazur	9MM,6906 TCV9087
Terence McHugh	9MM,5903 TCN0002
Michael McWilliam	9MM,5943 VHN9187
Lisa Mielnik	9MM,5943 TYR6018
Heather Miksch	9MM,5943 VYY5889
Robert Moore	9MM,6906 TCY3593
Adrian Neagu	9MM,5943 VCT2597
Douglas Nichols	9MM,5943 TYR4973
Alexander Parente	9MM,5943 TFK5440
Jon Periandri	9MM,5943 VHM0391
George Redding	9MM,5943 VJM7505
Carl Robinson	9MM,5943 TYR6192
Michael Rogers	9MM,5943 TFK5224
Bobby Rose	9MM,5943 TVH4848
Donald Rupanovic	9MM,5946 TDB6803
Daniel Rutt	9MM,5946 VJC9494
David Rutt	9MM,5946 VJD4666
Frank Sanchez	9MM,5903 TCZ2306
Jacqueline Sanders	9MM,5943 TVH5895
John Sattler	9MM,5943 VYY5913
Alexander Scheuermann	9MM,5943 TVA6780
Michael Sheehan	9MM,5943 TFL6782
Michael Simon	9MM,5943 TVA6952
Ignatius Sowa	9MM,5903 TCZ2264
Manuel Strefas	9MM,5943 VHM0341
Robert Strollo	9MM,5943 VHM0388
Michael Tankersley	9MM,5946 TDU4905
Richard Thevenin	9MM,5943 THA0708
Robert Tucker	9MM,5943 VHN9215

Shamode Wimberly	9MM,5943 VCR6126
Robert Woodward	9MM,5943 TFK044
James Zak	9MM,5943 VHM0334

Yeas: Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

Abstained: Acting Mayor and Director Chandra.

**Resolution No. 665-04.**

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bids of Maltese Fire Equipment Company for an estimated quantity of 1 3/4" and 4" fire hoses, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on July 14, 2004, pursuant to the authority of Ordinance No. 3-04, passed by Cleveland City Council on February 9, 2004, which on the basis of the estimated quantity would amount to Thirty-Two Thousand Six Hundred Twenty-Five and 00/100 Dollars (\$32,625.00), is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154652 as specified, which shall be certified against such contract in the sum of Thirty-Two Thousand Six Hundred Twenty-Five and 00/100 Dollars (\$32,625.00).

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: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 666-04.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 106-16-021, located at Lexington Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1184-04 passed August 11, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ralph Edward Myers has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1184-04 passed August 11, 2004, 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 Ralph Edward Myers for the sale and development of Permanent Parcel No. 106-16-021, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 667-04.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 106-02-100, located on Russell Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 785-03 passed October 4, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Yolanda Gilcrease has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 785-03 passed October 4, 2004, 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 Yolanda Gilcrease for the sale and development of Permanent Parcel No. 106-02-100, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$500.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 668-04.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 103-31-001, 103-31-002, 103-31-088 and 103-31-025, located at East 39th and East 40th Streets under said Land Reutilization Program; and

Whereas, Ordinance No. 1675-04 passed October 25, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1675-04 passed October 25, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. or designee for the sale and development of Permanent Parcel Nos. 103-31-001, 103-31-002, 103-31-088 and 103-31-025, 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: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 669-04.**

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 135-08-159 located at East 103rd Street in Ward 2; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Kevin Adams for the sale and development of Permanent Parcel No. 135-08-159 located at East 103rd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

**Resolution No. 670-04.**

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 137-21-076 located at Angelus Avenue in Ward 2; and

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

Whereas, Jerry L. Jackson, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when

directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Jerry L. Jackson for the sale and development of Permanent Parcel No. 137-21-076 located at Angelus Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor and Director Chandra, Acting Director Dumas, Director Ciaccia, Acting Director Evans, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth and Fumich.

Nays: None.

Absent: Directors Taylor and Williams.

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 13, 2004

9:30 A.M.

**Calendar No. 04-293:** 2444 West 7th Street (Ward 13)

Parkhill Associates c/o Brian McCreary, owner, appeal to erect a 20' x 40' two-story frame dwelling on a

33' x 160' lot in a B1 Two-Family District on the west side of West 7th Street at 2444 West 7th Street; contrary to Sections 357.09 and 357.09(A), the total of both interior side yards equals 9' instead of the required 10' with a 7' distance provided instead of 10' from a main building on the adjoining lot; and parking is proposed in the front setback area, within the 10' distance requirement from any wall containing ground floor windows, contrary to Section 349.05 of the of the Codified Ordinances.

**Calendar No. 04-294:** 2448 West 7th Street (Ward 13)

Parkhill Associates c/o Brian McCreary, owner, appeal to erect a 20' x 40' two-story frame dwelling on a 36' x 160' lot in a B1 Two-Family District on the west side of West 7th Street at 2448 West 7th Street; and parking is proposed in the front setback area, within the 10' distance requirement from any wall containing ground floor windows, contrary to Section 349.05 of the Codified Ordinances.

**Calendar No. 04-295:** 2452 West 7th Street (Ward 13)

Parkhill Associates c/o Brian McCreary, owner, appeal to erect a 20' x 40' two-story frame dwelling on a 33' x 154' lot in a B1 Two-Family District on the west side of West 7th Street at 2452 West 7th Street; contrary to Sections 357.09 and 357.09(A), the total of both interior side yards equals 9' instead of 10' with a 9' distance provided instead of 10' from a main building on the adjoining lot; and parking is proposed in the front setback area, within the 10' distance requirement from any wall containing ground floor windows, contrary to Section 349.05 of the Codified Ordinances.

**Calendar No. 04-296:** 2454 West 7th Street (Ward 13)

Parkhill Associates c/o Brian McCreary, owner, appeal to erect a 20' x 40' two-story frame dwelling on a 33' x 151' lot in a B1 Two-Family District on the west side of West 7th Street at 2454 West 7th Street; contrary to Sections 357.09 and 357.09(A), the total of both interior side yards equals 9' instead of 10' with a 7' distance provided instead of 10' from a main building on the adjoining lot; and parking is proposed in the front setback area, within the 10' distance requirements from any wall containing ground floor windows, contrary to Section 349.05 of the Codified Ordinances.

**Calendar No. 04-297:** 9603 Columbia Avenue (Ward 8)

Traci Wells, owner, appeals to enclose an existing 6' x 24' open front porch of a one family dwelling, situated on a 35' x 94' lot in an A1 One-Family District on the north side of Columbia Avenue at 9603 Columbia Avenue; contrary to Section 357.13(b)(4), a 6' porch projection is provided where not more than a 4' projection is allowed and subject to the provisions of Section 359.01, there must be an approval of the Board of Zoning Appeals for the existing nonconforming 2' interior

side yard instead of the minimum of 3' that is required.

**Calendar No. 04-298:** 3586 Fulton Road (Ward 15)

Leonard Leone, owner, and Jose Jimenez, prospective purchaser, appeal to install an accessory parking lot to an existing one-story retail store situated on an approximate 75' x 69' corner lot in a General Retail Business District at the northeast corner of Fulton Road and Poe Avenue at 3586 Fulton Road; contrary to Section 325.093, the proposed spaces are 162 square feet and must be at least 180 square feet; and Section 349.07(a) requires that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot and none is proposed; and no landscaping is proposed where a 6' wide frontage landscape strip, providing 50% year-round opacity, is required along Fulton Road and Poe Avenue and a 10' wide landscape/transition strip, providing 75% year-round opacity, is required for separation from the abutting Two-Family District as stated in Section 352.11 of the Codified Ordinances.

**Calendar No. 04-299:** 4801 Chester Avenue (Ward 13)

The City of Cleveland Department of Community Development c/o Director Daryl Rush, owner, and Terrace Construction Company c/o Jeffrey Nock, tenant, appeal to use as a construction storage yard for a period of one year the land identified as Permanent Parcel Nos. 104-31-016, 017, 018, 019, 020, and 026, located in a Semi-Industry District on the north side of Chester Avenue at 4801 Chester Avenue; contrary to the Regulations for Industrial Districts, dusty material storage and handling are not permitted under Section 345.03 but first permitted in a General Industry District as stated in Sections 345.04(1)(B), subject to the limitations and restrictions of Section 347.05 of the Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 22, 2004

At the meeting of the Board of Zoning Appeals on Monday, November 22, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 04-261:** 2059 Hamilton Avenue

Stricker Realty Ltd. appealed to install approximately 140' of 6' high chain link fence with three strands of barbed wire along the front and the rear of a lot in a Semi-Industry District.

**Calendar No. 04-265:** 3680-3716 East 65th Street - Lot #1

The Pulaski Franciscan Community Development Corporation ap-



pealed to erect a one family townhouse unit on a 56,000 s/f in a Local Retail Business District.

**Calendar No. 04-266:** 3680-3716 East 65th Street - Lot #2

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-267:** 3680-3716 East 65th Street - Lot #3

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-268:** 3680-3716 East 65th Street - Lot #4

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-269:** 3680-3716 East 65th Street - Lot #5

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-270:** 3680-3716 East 65th Street - Lot #6

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-271:** 3680-3716 East 65th Street - Lot #7

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-272:** 3680-3716 East 65th Street - Lot #8

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-273:** 3680-3716 East 65th Street - Lot #9

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-274:** 3680-3716 East 65th Street - Lot #10

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-275:** 3680-3716 East 65th Street - Lot #11

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-276:** 3680-3716 East 65th Street - Lot #12

The Pulaski Franciscan Community Development Corporation ap-

pealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-277:** 3680-3716 East 65th Street - Lot #13

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-278:** 3680-3716 East 65th Street - Lot #14

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-279:** 3680-3716 East 65th Street - Lot #15

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-280:** 3680-3716 East 65th Street - Lot #16

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-281:** 3680-3716 East 65th Street - Lot #17

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-282:** 3680-3716 East 65th Street - Lot #18

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-283:** 3680-3716 East 65th Street - Lot #19

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-284:** 3680-3716 East 65th Street - Lot #20

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-285:** 3680-3716 East 65th Street - Lot #21

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-286:** 3680-3716 East 65th Street - Lot #22

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

**Calendar No. 04-204:** 2927 Bridge Avenue

The 2927 Bridge Ltd. appealed to use the second floor to expand the occupancy and use of an existing,

nonconforming restaurant in a B1 Two-Family District; subject to conditions.

The following appeals were **Denied:**

**None.**

The following appeals were **Postponed:**

**Calendar No. 04-259:** 917 East 105th Street postponed to December 20, 2004.

**Calendar No. 04-262:** 383 East 156th Street postponed to December 13, 2004.

**Calendar No. 04-263:** 7524 Spafford Avenue postponed to December 20, 2004.

The following appeal was **Withdrawn:**

**Calendar No. 04-224:** Appeal of Anthony L. Woodard

Anthony L. Woodard appealed under Section 76-6 of the Charter of the City of Cleveland and authority of Section 329.02(d) from the rejection of an application for Handgun Registration and a Handgun Owner's Identification Card.

In Executive Session on November 29, 2004, the following appeals heard by the Board on November 22, 2004 were adopted and approved.

The following appeals were **Approved:**

**Calendar No. 04-252:** 3034 East 63rd Street

Hyacinth Lofts Ltd, owner, appealed to construct 25 townhouse units on an acreage parcel where there is an existing multi-unit apartment building in a B1 Two-Family District.

**Calendar No. 04-287:** 12814 Buckeye Road

Helen Barclay Jones appealed to establish use as a hair and nail salon in the first floor of a two-story mixed use building in a Residence-Office District.

**Calendar No. 04-233:** 5718 Bridge Avenue

Norma Rodriguez appealed to expand the use of a two-story mixed use building by adding a carryout restaurant to an existing store and one dwelling unit in a Two-Family District.

The following appeals were **Denied:**

**Calendar No. 04-255:** 4748 West 130th Street

Gary Hasrouni appealed to change to a used car sales lot a 50' x 104' corner lot in a Local Retail Business District.

**Calendar No. 04-256:** 10517 Dale Avenue

Quoc Nguyen appealed to erect a 9' x 24' storage addition to a 24' x 24' accessory garage in an A1 One-Family District.



**Calendar No. 04-257:** 9710 Nelson Avenue

Carl Davis appealed to use as a Type A Day Care an existing two-family dwelling in a B1 Two-Family District.

**Calendar No. 04-219:** Little Rascals Day Care Center 11920 Buckeye Road

Mattie and Joe Hemphill appealed from the decision to revoke the permit issued for operation of the Little Rascals Day Care Center.

In Executive Session on November 29, 2004, the following appeal heard by the Board on September 13, 2004 was adopted and approved:

**Calendar No. 04-207:** 3358 Rocky River Drive

Mark Cassidy appealed to install an oval access with two driveways at the front of a single family dwelling in an A1 One-Family District; subject to condition for landscape installation.

In Executive Session on November 29, 2004, the following appeal heard by the Board on November 8, 2004 was adopted and approved:

**Calendar No. 04-243:** 705-07 East 159th Street

Courts of Praise, tenant, and Col-linwood Nottingham Development Corporation, owner, appeal to change the use of a private club building to a church and day care use in a Multi-Family District; subject to revised plan.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing By the Council Committee On City Planning**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, December 13, 2004  
9:00 A.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, December 13, 2004, at 9:00 a.m., to consider the following ordinance now pending in the Council:

**Ord. No. 2210-04.**

By Council Member Cimperman. An ordinance to change to change the zoning of properties on the west side of East 62nd Street, south of Grdina Avenue to an RA-2 Townhouse (Map Change No. 2142, Sheet No. 4).

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN  
Chairman  
Committee on City Planning

December 1, 2004 and December 8, 2004

**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."**

**THURSDAY, DECEMBER 9, 2004**

**West 139th Street Storm Relief Sewer Project**, for Division of Water Pollution Control, Department of Public Utilities as authorized by Ordinance No. 840-04, passed by the Council of the City of Cleveland, June 14, 2004.

**THERE WILL BE A REFUNDABLE FEE OF FIFTY DOLLARS**

**(\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 3, 2004 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

November 24, 2004 and December 1, 2004

**FRIDAY, DECEMBER 10, 2004**

**West 105th Street Rehabilitation from Bellaire Road to Lorain Avenue**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1980-02 and 2330-03, passed by the Council of the City of Cleveland, October 21, 2002 and February 9, 2004, respectively.

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 2, 2004, AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.**

November 24, 2004 and December 1, 2004

**THURSDAY, DECEMBER 16, 2004**

**Department of Public Service Sprinkler Work (Former Aviation High School)**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2066-04, passed by the Council of the City of Cleveland, October 25, 2004.

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 9, 2004, AT 2:00 P.M., FORMER AVIATION HIGH SCHOOL, 4001 NORTH MARGINAL ROAD, CLEVELAND, OHIO.**

**Ridge Road Transfer Station Plat-ing and Repair to Concrete Tipping Walls**, 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 OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, DECEMBER 10, 2004, AT 10:00 A.M., DIVISION OF ARCHITECTURE, ROOM 517, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

December 1, 2004 and December 8, 2004

**FRIDAY, DECEMBER 17, 2004**

**Asphalt Concrete and Tack Coat, Including Labor and Materials for Delivery, Spreading and Compacting Runways and Roadways**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1477-04, passed by the Council of the City of Cleveland, October 18, 2004.  
**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, DECEMBER 10, 2004 AT 10:00 A.M., CLEVELAND HOP-**

**KINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

December 1, 2004 and December 8, 2004

**THURSDAY, DECEMBER 23, 2004**

**Testing, Inspection and Repair of Bucket Trucks**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 250-04,

passed by the Council of the City of Cleveland, June 7, 2004.  
**THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, DECEMBER 15, 2004 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

December 1, 2004 and December 8, 2004

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 2126-04.**

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

**An emergency resolution accepting amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.**

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2005; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is without the 10-mill tax limitation; and

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

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

**Section 1.** That the amounts and rates as determined by the Budget Commission in its certification are accepted.

**Section 2.** That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount to be Derived From Levies Outside 10-Mill Limitation	Amount Approved By Budget Commission Inside 10-Mill Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
	Column II	Column IV	Inside 10-Mill Limit Column V	Outside 10-Mill Limit Column VI
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			0.05	0.25
<b>TOTAL</b>			<b>4.40</b>	<b>8.30</b>

**Section 3.** That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

Adopted November 22, 2004.

Effective November 22, 2004.

**Res. No. 2258-04.  
By Council Members Sweeney,  
Brady and O'Malley.**

**An emergency resolution urging the state of Ohio to fund the construction of noise walls on all highways where noise levels exceed the standard decibel level, including highways going through urban neighborhoods.**

Whereas, there are many areas throughout northeast Ohio where noise levels from interstate traffic exceed the threshold 67 dBA, thus qualifying those areas for noise abatement; and

Whereas, the biggest problem in constructing the noise walls in the state is the unavailability of funds with which to complete the noise abatement program; and

Whereas, funding for the Noise Wall Retrofit Program has been eliminated in 2006 due to budget constraints; and

Whereas, noise walls continue to be constructed in suburban areas of Ohio while the state has consistently ignored urban neighborhoods, although urban areas are affected just as much, if not more, by highway traffic; and

Whereas, the state's noise abatement program should be funded in order to help ensure a better quality of life for those living near interstates, including those living near interstates in urban areas of Ohio; and

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

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

**Section 1.** That this Council hereby urges the state of Ohio to fund the construction of noise walls on all highways where noise levels exceed the standard decibel level, including highways going through urban neighborhoods.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Taft, the Ohio State House and Senate representatives from Cuyahoga County and to Gordon Proctor, Director, Ohio Department of Transportation.

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 2259-04.  
By Council Member Britt.**

**An emergency resolution objecting to the transfer of a liquor license of a C2 Liquor Permit to 10716 Woodland Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of a liquor license of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Amanah Foods, Inc., DBA Saveliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0172762; 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 a liquor license of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Amanah Foods, Inc., DBA Saveliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0172762, 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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 2260-04.  
By Council Member Gordon.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3753 Pearl Road and repealing Resolution No. 1328-04, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3753 Pearl Road by Resolution No. 1328-04 adopted by the Council on July 14, 2004; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Guru Kirpa, Inc., DBA Convenient Food Mart, 3753 Pearl Road, Cleveland, Ohio 44109, Permanent Number 3453183 be and the same is hereby withdrawn and Resolution No. 1328-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 2261-04.  
By Council Member Reed.**

**An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 3918 East 140th Street and repealing Resolution No. 1567-04, objecting to said transfer.**

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to 3918 East 140th Street by Resolution No. 1567-04 adopted by the Council on August 11, 2004; and

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

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

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

**Section 1.** That objection to the transfer of stock of a C2 and C2X Liquor Permit to 3918 Company, DBA East 140th Street Market, 3918 East 140th Street, Cleveland, Ohio 44128, Permanent Number 8917046 be and the same is hereby withdrawn and Resolution No. 1567-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 2262-04.**

**By Council Member Pierce Scott.  
An emergency resolution object-  
ing to a New C1 Liquor Permit at  
7502 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Pyramids Market, Inc., DBA Pyramids Market, 7502 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 6082097; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Pyramids Market, Inc., DBA Pyramids Market, 7502 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 6082097; 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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1269-04.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant of equipment from the Ohio Emergency Management Agency, for the Ohio State Homeland Security Program; and authorizing the Director to enter into one or more agreements with the County of Cuyahoga and other public entities necessary to accept the equipment under 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 of equipment in the amount of approximately \$18,000, from the Ohio Emergency Management Agency, for the Ohio State Homeland Security Program, that the Director is authorized to file all papers and execute all documents necessary to receive the equipment under the grant.

**Section 2.** That the summary for the grant, File No. 1269-04-A, made a part hereof as if fully rewritten, is approved in all respects.

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

**Section 4.** That the Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga and other public entities necessary to accept equipment from them under the grant.

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1280-04.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to The Inner City Development and Personal Growth Foundation.**

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. 106-02-001 as more fully described below, to The Inner City Development and Personal Growth Foundation.

**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. 106-02-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 31 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records, and bounded and described as follows: Beginning at the intersection of the Easterly line of East 68th Street with the Southerly line of Superior Avenue N.E.; thence Easterly 49.85 feet along the said Southerly line of Superior Avenue N.E., to a point; thence Southerly 122.08 feet parallel with the Easterly line of said Sublot No. 31 to a point; thence Westerly 49.85 feet parallel with the said Southerly line of Superior Avenue N.E., to a point in the said Easterly line of East 68th Street; thence Northerly 122.08 feet along the said Easterly line of East 68th Street 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 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. 106-02-002 as more fully described below to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 31, 32 and 33 in M & M Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Superior Avenue, N.E. at the North-east corner of a parcel of land conveyed by The Cleveland Trust Company to Suzanne Saikals by deed, dated May 28, 1937, and recorded in Volume 4736, Page 254 of Cuyahoga County Records, which point of beginning is also 49.85 feet Easterly from the intersection of the Southerly line of Superior Avenue, N.E. with the Easterly line of East 68th Street; thence South 110.75 feet along the Easterly line of land so conveyed to Suzanne Saikals to a point; thence Easterly 57.75 feet parallel to the Southerly line of Superior Avenue, N.E. to a point in a brick wall; thence Northerly 110.75 feet along a brick wall to a point in the Southerly line of Superior Ave-

nue, N.E.; thence Westerly 57.90 feet along the Southerly line of Superior Avenue, N.E. to the place of beginning.

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. 106-02-085 as more fully described below, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 68th Street (formerly Wilmar 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.

Restrictions in Deed Volume 483, Page 350 of Cuyahoga County Records, dated September 13, 1890.

Subject to easement recorded in Volume 483, Page 350 of Cuyahoga County Records.

Also subject to all 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. 106-02-086 as more fully described, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the Northeasterly side of East 68th Street (formerly Wilmar 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.

Restrictions contained in the instrument dated August 1, 1892 and recorded in Volume 525, Page 579 of Cuyahoga County Records affecting premises described above.

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 Supplies is hereby authorized to sell Permanent Parcel No. 106-02-087 as more fully described below, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sublot No. 30 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records and being 30 feet front on the Easterly side of East 68th Street (formerly Wilmar 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.

Also subject to all zoning ordinances, if any.

**Section 11.** 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 12.** 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 13.** 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 14.** 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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1492-04.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.

**Section 2.** That the aggregate cost of the contracts authorized shall not exceed \$1,711,228.00 and shall be paid from Fund Nos. 13 SF 984 and 14 SF 030, Request No. 125779.

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1668-04.**

**By Council Members Britt 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 elevators at various city health centers, for the Division of Health, Department of Public Health, 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 Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to maintain and repair elevators at various city health centers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Health, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**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 143363)

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1848-04.**  
**By Council Members Britt and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the STD Control Grant Gonorrhea Screening Project.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$121,264.00, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the STD Control Grant Gonorrhea Screening Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1848-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage 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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2009-04.**  
**By Council Members Coats and Jackson (by departmental request).**  
**An emergency ordinance authorizing the purchase by one or more requirement contracts of landscaping and snow removal service at various locations, for the Division of Cleveland Public Power, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to 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 provide landscaping and snow removal service at various locations within the Division of Cleveland Public Power, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be

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

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153224)

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2013-04.**  
**By Council Members Gordon and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with the Cleveland Housing Network to provide write-down grants for houses purchased from HUD through an Asset Control Area Agreement.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with the Cleveland Housing Network ("CHN") to provide write-down grant assistance for the acquisition of single-family houses within the City of Cleveland that are being purchased by CHN from the U.S. Department of Housing and Urban Development ("HUD") under an Asset Control Area Agreement. All houses receiving acquisition write-downs will be rehabilitated and sold to low income, first time homebuyers.

**Section 2.** That the costs of the contract shall not exceed Five Hundred Thousand Dollars (\$500,000), and shall be paid from Fund No. 13 SF 983, Request No. 125782.

**Section 3.** That in the construction contracts CHN negotiates for the rehabilitation of the single-family houses it purchases using the write-down grant assistance provided by the contract or contracts authorized above, it will require the contractors to use significant effort to hire Residents of the City to perform twenty percent of the total Construction Worker Hours performed to rehabilitate each house. The terms "Resident of the City" and "Construction Worker Hours" are defined in the Fannie M. Lewis Cleveland Resident Employment Law, Chapter 188 of the Cleveland Codified Ordinances.

**Section 4.** That the Director of Community Development shall make a progress report on this program to the Community and Economic Development Committee of this Council six months after the passage of this ordinance, and every six month thereafter during the term of the contract authorized by this ordinance. Each progress report shall include the number of properties that have been acquired by Cleveland Housing Network under the program, where they are located, the names of the contractors that are being employed or that have been employed to renovate each property, the status of work on each property, the total number of construction work hours expended on each property, the number of those construction work hours performed by City of Cleveland residents, and the number and sales price of any property that is sold by Cleveland Housing Network.

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2058-04.**  
**By Council Members Britt and Jackson (by departmental).**  
**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cleveland Infant Mortality Reduction Initiative Project; and to enter into one or more contracts with various agencies to implement the project.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$112,500, and any other funds as they may become available during the grant term, from the Ohio Department of Health, to conduct the Cleveland Infant Mortality Reduction Initiative Project; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant.

**Section 2.** That the administrative summary for the grant, File No. 2058-04-A, made a part as if fully rewritten, is approved in all respects.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the project as described in the file.

**Section 4.** That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

**Section 5.** That the Director of Public Health shall have the authority to extend the term of the grant if other funds become available during the grant term. Notwithstanding the above, the Director of Public Health shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

Passed November 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2124-04.**

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

**An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cleveland Foundation for the Successful Aging Elder Friendly Communities Project; and authorizing the Director to employ one or more professional consultants to implement the project.**

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

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

**Section 1.** That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$40,000, and any other funds that may become available during the grant term from the Cleveland Foundation to conduct the Successful Aging Elder Friendly Communities Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 2124-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

**Section 4.** That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2196-04.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into a contract with WPS Energy Services, Inc. for retail electric aggregation services and power supply for the City's electric aggregation program for the period of 2006-2008.**

Whereas, the City of Cleveland currently conducts an electric aggregation program that offers savings to residents and businesses that receive electric service from the Cleveland Electric Illuminating Company; and

Whereas, the City's contract with its current supplier for the aggregation program expires December 31, 2005, and the City wishes to enter into a contract for the provision of electric aggregation services and power supply for the period of 2006-2008; 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, under Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to enter into a contract with WPS Energy Services, Inc. for retail electric aggregation services and power supply on the basis of its proposal dated November 5, 2004.

**Section 2.** That the contract authorized by this ordinance shall contain such terms and conditions as the Director of Law deems necessary to benefit and protect the City and the customers of the electric aggregation program.

**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 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2209-04.**

**By Council Member Coats. An emergency ordinance disapproving Adelphia's Proposed Monthly Network Upgrade Surcharge**

Whereas, Cleveland Adelphia LLC, a wholly-owned subsidiary of Adelphia Communications Corporation (collectively, "Adelphia"), has the right to own, operate and maintain a cable system in the City of Cleveland, Ohio (the "City") pursuant to a franchise agreement granted on or about September 16, 1986, as further amended; and

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

Whereas, on or about November 26, 2003, the City received from Adelphia an Abbreviated Cost of Service Filing for Cable Network Upgrades on FCC Form 1235 for pre-approval (the "FCC Form 1235") proposing a Maximum Permitted Network Upgrade Surcharge of \$0.47 per month, per subscriber to be assessed against basic service tier subscribers (in addition to the Basic Tier Rate) over the next 12 years in order to recover the cost, plus a rate of return, related to the network upgrade completed in the City in 2003; and

Whereas, pursuant to FCC regulations, the City issued a tolling order on December 24, 2003, notifying Adelphia that additional time in which to review the FCC Form 1235 was required; and

Whereas, Adelphia's filing of its FCC Form 1235 on a pre-approval basis is contrary to FCC regulations because the system-wide upgrade had been completed at the time of filing; and

Whereas, in response to correspondence and discussions with the City's representatives, Adelphia filed an amended FCC Form 1235 (the "Amended FCC Form 1235") on July 17, 2004 changing the FCC Form 1235 from a pre-approval to a final filing; and

Whereas, Adelphia has not implemented the FCC Form 1235 Monthly Network Upgrade surcharge of \$0.47; and

Whereas, it was necessary for the City to make several requests to Adelphia for additional information and clarification in connection with the FCC Form 1235 and the Amended FCC Form 1235; and

Whereas, interested parties, including Adelphia, were afforded an opportunity to present information to the City regarding these rates; and

Whereas, Adelphia's FCC Form 1235 and Amended FCC Form 1235, as well as other rate justification information requested of Adelphia and supplied to the City by Adelphia are on file with the Clerk of Council in File No. 2209-04-A and incorporated into this Ordinance by reference; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that disapproving the proposed Network Upgrade Surcharge protects the City of Cleveland's cable television subscribers from excessive rates to the fullest extent permitted by law and enables the City to act upon such proposal within the federally mandated time requirements for review of Adel-



phia's cable television rate proposals; now, therefore,

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

**Section 1.** That based on the information presented to City Council, the information submitted by Adelphia, the documents on file with the Clerk of Council and contained in File No. 2209-04-A, and the advice of the City's cable television legal consultants regarding Adelphia's Amended FCC Form 1235, the City makes the below listed findings and orders:

1. For the reasons stated in the November 5, 2004 memorandum attached to and incorporated into this Ordinance by reference, Adelphia has failed to provide sufficient information in the Amended FCC Form 1235 and supporting documentation from which to determine whether the Network Upgrade Surcharge of \$0.47 per month, per subscriber as proposed in the Amended FCC Form 1235 is calculated in accordance with FCC regulations.

2. For the reasons stated in the attached memorandum, Adelphia has failed to provide sufficient information in the Amended FCC Form 1235 and supporting documentation from which the City can calculate, in accordance with FCC regulations, an appropriate Network Upgrade Surcharge and the one-year time period in which the City must rule on Adelphia's Network Upgrade Surcharge as proposed in the Amended FCC Form 1235 will expire on November 25, 2004.

3. The proposed Network Upgrade Surcharge of \$0.47 per month, per subscriber as calculated in the Amended FCC Form 1235 is, therefore, disapproved.

4. If Adelphia intends to justify its Network Upgrade Surcharge, Adelphia is ordered to refile its FCC Form 1235 with supporting documentation and information in conformance with the attached memorandum.

**Section 2.** That the City reserves the right to reconsider this Ordinance for the sole purpose of further reducing rates should new information arise which was not disclosed by Adelphia or should modifications or clarifications to FCC rules and regulations so provide and permit.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 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 earlier period allowed by law.

Passed November 22, 2004.  
Effective November 22, 2004.

**Ord. No. 2251-04.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the Sisters of Charity and St. Luke's Foundations for the Sisters of Charity Flu Vaccine Program and the St. Luke's Flu Vaccine Program; and authorizing the purchase by one or more requirement contracts of flu vaccines to implement the program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$10,000 from the Sisters of Charity Foundation, and a grant in the approximate amount of \$40,000 from St. Luke's Foundation, and any other funds that may become available during the grant term to conduct the Sisters of Charity Flu Vaccine Program and the St. Luke's Flu Vaccine Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the summary for the grants contained in the file described below.

**Section 2.** That the summary for the grants, File No. 2251-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

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

**Section 6.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

Passed November 22, 2004.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2257-04.**

**By Council Member Cimperman.**

**An emergency ordinance to amend Section 3 of Ordinance No. 421-02, passed March 11, 2002, relating to public improvements at various health centers.**

Whereas, Ordinance No. 1224-01, passed July 18, 2001, determined the method of making certain public improvements to various health centers and authorized the Director of Public Health to enter into contract for the making of such improvements; and

Whereas, Ordinance No. 421-02, passed March 11, 2002, amended Ordinance No. 1224-01 by adding a new Section 3; and

Whereas, this new Section 3 of Ordinance No. 421-02 authorized the costs associated with the health center improvements to be paid from certain funds; and

Whereas, an additional funding source is necessary to proceed forward with the Tremont Health Center public improvements; 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 Section 3 of Ordinance No. 421-02, passed March 11, 2002, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 20 SF 320, 20 SF 331, 20 SF340, 20 SF 362 and 20 SF 371 (Request No. 30520) and that the cost of improvements to the Tremont Health Center shall be paid from Fund No. 10 SF 166 in an amount not to exceed \$30,000.00.

**Section 2.** That the Title, existing Section 1, and existing Section 2 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, is hereby repealed.

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

Passed November 22, 2004.

Awaiting the approval or disapproval of the Mayor.

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NO MEETINGS

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