

The City Record

Official Publication of the Council of the City of Cleveland



June the Ninth, 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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	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 – Michael G. Konicek, Director, 1201 Lakeside Avenue			
	DIVISIONS – 1201 Lakeside Avenue		
	Cleveland Public Power – James F. Majer, Commissioner		
	Street Lighting Bureau – _____, Acting Chief		
	Utilities Fiscal Control – Dennis Nichols, Commissioner		
	Water – Julius Ciaccia, Jr., Commissioner		
	Water Pollution Control – Ollie Shaw, Commissioner		
DEPT. OF PORT CONTROL – John C. Mok, Director			
	Cleveland Hopkins International Airport, 5300 Riverside Drive		
	Burke Lakefront Airport – Khalid Bahhur, Commissioner		
	Cleveland Hopkins International Airport – Fred Szabo, Commissioner		
DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113			
	DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517		
	Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518		
	Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards		
	Streets – Randell T. Scott, Commissioner, Room 25		
	Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1		
	Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue		
DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.			
	DIVISIONS: Air Quality – _____, 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 – Kevin G. Gerrity, Chief, 1645 Superior Avenue		
	Police – Edward F. Lohm, 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 – _____, Director, Room 210		
DEPT. OF AGING – Jane E. Fumich, Director, Room 122		
DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director		
COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.		
CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.		
SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.		
BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, Secretary.		
BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.		
BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.		
BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.		
BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director Michael G. Konicek; Council President Frank G. Jackson.		
CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.		
FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.		
HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet 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 Baulknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.		
BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorik, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.		
CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt 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	12C
	Judge Lauren C. Moore	12B
	Judge Raymond L. Pianka (Housing Court Judge)	13B
	Judge Angela R. Stokes	15C
	Judge Pauline H. Tarver	12A
	Judge Robert J. Trozzi	14A
	Judge Joseph J. Zone	13C
Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate		

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, JUNE 9, 2004

No. 4722

CITY COUNCIL

MONDAY, JUNE 7, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, June 7, 2004

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

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

Also present were Mayor Campbell, Chief of Staff Janik, Director Chandra, Chief Assistant Director of Law Langhenry, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Watson, Rush, Williams, Routen, Fumich, Huth, Taylor and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Robert J. Jansany of St. John Nepomucene Church, located at 3785 Independence Road in Ward 12. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 113-04-A.

The following citizens sent correspondence regarding Ordinance No. 113-04, proposing New Chapter 187A (Ex-Offender Employment Legislation):

Desiree J. Rivera
Ruthie Yarbrough
Tamela Crawley
Gwendolyn Garth
Gabrielle A. Howard
Franchon Garth
Tereque Bryant
Amina Batin
Charita Brown
Andre Boreman
Bobbie Blair
James Anderson
Johnette Wilson
Cassandra Carter
Catherine Murray
Received.

File No. 1133-04.

From the Cleveland Board of Education — Thank you letter to Council for adopting emergency resolutions concerning rules and policies of the Ohio School Facilities Commission. Received.

File No. 1134-04.

From the Division of Purchases and Supplies — Mayor's Emergency Purchase/RE 146063, Fire Suppression Water Line Repair, Cleveland Hopkins International Airport. Received.

File No. 1135-04.

From the Department of Port Control — update for the Doan Brook restoration in Rockefeller Park. Received.

File No. 1136-04.

From Local Initiatives Support Corporation — Network News, Volume 4. No. 1, Spring 2004. Received.

File No. 1137-04.

From Governor Bob Taft — receipt letter of Resolution No. 796-04. Received.

File No. 1138-04.

From Danita Love, Council President, Village of Highland Hills — Thank you letter. Received.

**FROM DEPARTMENT OF
LIQUOR CONTROL**

File No. 1139-04.

Re: New Application — 16670940005 — Community Beverage, Inc., 3506 West 105th Street. (Ward 19). Received.

File No. 1140-04.

Re: Transfer of Ownership Application — 1273128 — Carolina's Enterprise Corp., 17324 Harvard Avenue. (Ward 1). Received.

File No. 1141-04.

Re: Transfer of Ownership Application — 4788137 — Koozma, LLC, first floor and patio and mezzanine, 1220 Old River Road. (Ward 13). Received.

File No. 1142-04.

Re: Transfer of Ownership Application — 6548367 — One Fifty Nine Peaches, Inc., d.b.a. Peaches, 15914 St. Clair Avenue, first floor and basement. (Ward 11). Received.

File No. 1143-04.

Re: Transfer of Ownership and Location Application — 1385000 — Chatham Entertainment, LLC, d.b.a. 25 Lounge, 2132 West 25th Street. (Ward 14). Received.

OATH OF OFFICE

File No. 1144-04.

Collette J. Appolito — Executive Assistant to the Mayor — oath of office. Received.

File No. 1145-04.

Gregory G. Huth — Director of the Department of Economic Development — oath of office. Received.

**STATEMENT OF WORK
ACCEPTED**

File No. 1146-04.

From the Department of Public Utilities — Nottingham Filter Rehabilitation Project 303. Contract No. 57586. Received.

MAYOR'S APPOINTMENTS

File No. 1147-04.

June 3, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Landmark's Commission.

I am pleased to recommend the following individual for appointment to the Landmark's Commission.

1. Bracy Lewis
New Appointment
Term expires on December 31, 2007

His resume is attached. Once a date is determined for the Mayoral

Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 1148-04.

June 3, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Landmark's Commission.

I am pleased to recommend the following individual for appointment to the Landmark's Commission.

1. Laura Miller Noble
New Appointment
Term expires on December 31, 2007

Her resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 1149-04.

June 3, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Landmark's Commission.

I am pleased to recommend the following individual for appointment to the Landmark's Commission.

1. Kevin Dreyfuss-Wells
New Appointment
Term expires on December 31, 2005

His resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.
Referred to Committee on Mayor's Appointments.

PLATS

File No. 1150-04.

Ashbury Towers Phase One, Planned Unit Development, Part of Original Brooklyn Township Lot Number 48. (Ward 17). Received.

Referred to Committees on Public Service and City Planning.

File No. 1151-04.

Subdivision Plat of P.P.N. 002-20-026 for Franklin Avenue Townhomes. (Ward 17). Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 1152-04—Ronald Reagan.
Res. No. 1153-04 — Raof Muhammad.

Res. No. 1154-04—Dominic Jerome Childs.

Res. No. 1155-04 — William F. Chambers, Jr.

Res. No. 1156-04—Laura Mae Jordan.

Res. No. 1157-04—Edward Fowler, Sr.

Res. No. 1158-04—Alfred Thigpen.

CONGRATULATION RESOLUTIONS

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

Res. No. 1159-04—George V. Voinovich.

Res. No. 1160-04 — George L. Forbes.

Res. No. 1161-04 — Joseph Gallagher Middle School Chess Team "The Mighty Pawns".

Res. No. 1162-04—Landus Hatchett, Jr.

Res. No. 1163-04 — Archwood United Church of Christ — East 185th Anniversary.

Res. No. 1164-04 — Olivia Mae Turner Scott.

Res. No. 1165-04 — Sister Mary Gallagher.

Res. No. 1166-04—William & Frances Doggett.

Res. No. 1167-04—Collinwood Girls Track Team.

Res. No. 1168-04—Ralph Tarsitano.

Res. No. 1169-04 — Glenville Boys Track Team.

RECOGNITION RESOLUTION

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

Res. No. 1170-04—William Penn.

APPRECIATION RESOLUTION

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

Res. No. 1171-04 — Talbert "Bert" Jennings.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1082-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

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

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

Section 1. That the Director of Finance is authorized to pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Crocoll, Allan B.	11561	\$ 960.00	Park Maintenance	62 SF 001
Matousek, Daniel	11594	855.00	Park Maintenance	62 SF 001
Henderson, Judy	11600	770.00	Park Maintenance	62 SF 001
Sharp, Robert F.	11639	153.01	Park Maintenance	62 SF 001
Baker, Pauline	11649	233.60	Park Maintenance	62 SF 001
Hodgdon, Jessie	11653	1,167.12	Park Maintenance	62 SF 001
Baker, Donna M.	11670	1,800.00	Park Maintenance	62 SF 001
Chadbourne, Leonard	11686	640.00	Park Maintenance	62 SF 001
Pollard, Chris	11710	190.00	Park Maintenance	62 SF 001
Barr, Margaret J.	11714	2,580.66	Park Maintenance	62 SF 001
Smith, Carolyn	11744	793.60	Park Maintenance	62 SF 001
Jones, Joe B.	11715	250.00	Impound	01-600202-672000
Hillman, Elizabeth	11724	500.00	Police	01-600202-672000
Pangrac, Donald	11748	15.00	Police	01-600202-672000
Fabian, Rose	11728	1,000.00	Urban Forestry	01-701204-672000
Horton, Auston	11733	22.00	Waste Collection	01-400303-672000
Ciolek, Joanne	11738	14.02	Waste Collection	01-400303-672000
Bugnar, Romona	11742	42.55	Waste Collection	01-400303-672000

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

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

Ord. No. 1083-04.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide pavement inspection services, including base map and software set-up services.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide pavement inspection services, including base map and software set-up services, for the various divisions of the Department of Port Control.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as

may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 146059.

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

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

Ord. No. 1084-04.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1242-92, passed June 15, 1992, relating to pro-

fessional services for engineering consultants to design the rehabilitation or reconstruction of various bridges.

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

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

Section 1. That Section 2 of Ordinance No. 1242-92, passed June 15, 1992, is amended to read as follows:

Section 2. That the cost of the services contemplated shall be paid from Fund Nos. 20 SF 181, 20 SF 190, 20 SF 302, and **58 SF 001**, Request **Nos. 14313 and 146059.**

Section 2. That Section 2 of Ordinance No. 1242-92, passed June 15, 1992, is repealed.

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

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

Ord. No. 1085-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, for the 2005 EMS/Fire Training and Equipment Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$255,431.50, from the Ohio Department of Public Safety, to conduct the 2005 EMS/Fire Training and Equipment Grant, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1085-04-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$55,633.25, from Fund No. 01-600300-639905, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and training necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. Bids shall be taken in a manner which 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 grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

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

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

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

Ord. No. 1086-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2004 Urban Area Security Initiative Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing one or more agreements with the County of Cuyahoga to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$5,199,374, from the County of Cuyahoga to conduct the 2004 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That the award letter and other documents for the grant, File No. 1086-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

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

Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

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

Section 5. That the estimated sum of \$155,981 is appropriated to the Department of Public Safety for administrative costs necessary to implement the Program.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 7. That The Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to the grant as described in the file.

Section 8. 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 9. 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 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1087-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance to amend Section 1 of Ordinance No. 206-04, passed February 9, 2004, relating to a grant from the County of Cuyahoga for the 2003 State Homeland Security Grant Program, Part II.

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

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

Section 1. That Section 1 of Ordinance No. 206-04, passed February 9, 2004, is amended to read as follows:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of **\$1,314,511.00**, from the County of Cuyahoga to conduct the 2003 State Homeland Security Grant Program, Part II; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That existing Section 1 of Ordinance No. 206-04, passed February 9, 2004, is repealed.

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

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

Ord. No. 1088-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the State Domestic Preparedness Exercise Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$10,712, from the County of Cuyahoga to conduct the State Domestic Preparedness Exercise Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 1088-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of

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

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

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

Ord. No. 1089-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2004 State Homeland Security Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing one or more agreements with the County of Cuyahoga to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$1,592,699, from the County of Cuyahoga to conduct the 2004 State Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That the award letter and other documents for the grant, File No. 1089-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made

through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

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

Section 5. That the estimated sum of \$155,981 is appropriated to the Department of Public Safety for administrative costs necessary to implement the Program.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 7. That The Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to the grant as described in the file.

Section 8. 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 9. 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 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1090-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the Dike 14 Coastal Management Program; and authorizing the Director to employ one or more professional consultants to provide a feasibility study 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 Parks, Recreation and Properties is authorized to apply for and accept a grant in the amount of \$50,000, from the Ohio Department of Natural Resources to conduct the Dike 14 Coastal Management Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 1090-04-A, made a part of this ordinance as fully rewritten, is approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide a feasibility study as described in the file.

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

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

Ord. No. 1091-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to designate a portion of Rockefeller Park as the David E. Davis Memorial Sculpture Garden ("Garden"); authorizing the Director of Parks, Recreation and Properties to accept a gift of a sculpture from Bernice Davis and authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Bernice and David E. Davis Art Foundation for the installation and maintenance of the sculpture.

Whereas, Bernice Davis has indicated a desire to make a gift of the sculpture entitled "Portals from Everywhere," valued at \$40,000, to the Department of Parks, Recreation and Properties; and

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

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

Section 1. That the portion of Permanent Parcel Number 121-25-002 that is north of Carnegie Avenue, excluding any roadways, is designated as the David E. Davis Memorial Sculpture Garden in Rockefeller Park ("Garden").

Section 2. That the Director of Parks, Recreation and Properties is authorized to give effect to this ordinance by placing of appropriate signs, nameplates, and plaques to reflect this designation.

Section 3. The Director of Parks, Recreation and Properties is authorized to accept on behalf of the Department of Parks, Recreation and Properties a sculpture entitled "Portals from Everywhere," valued at \$40,000, from Bernice Davis.

Section 4. That, notwithstanding and as an exception of the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Bernice and David E. Davis Foundation for the installation and maintenance of the sculpture.

Section 5. That this property adoption shall not be construed as a conveyance of any right, title, or interest in the public property, but is the grant of a privilege revocable at the will of Council.

Section 6. That the property adoption agreement authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 1092-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the Whiskey Island Coastal Management Program; and authorizing the Director to employ one or more professional consultants to provide a rehabilitation study 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 Parks, Recreation and Properties is authorized to apply for and accept a grant in the amount of \$50,000, from the Ohio Department of Natural Resources to conduct the Whiskey Island Coastal Management Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 1092-04-A, made a part of this ordinance as fully rewritten, is approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide a rehabilitation study as described in the file.

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

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

Ord. No. 1093-04.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and Economic Development to amend Contract No. 60459 with Bingham Building Limited Partnership to change the terms of the loan regarding the development of the Bingham Building.

Whereas, under Ordinance Nos. 1972-01 passed December 3, 2001 and Ordinance No. 777-02, passed June 17, 2002, this Council authorized the Directors of Community Development and Economic Development to enter into a contract with Bingham Building Limited Partnership to develop the Bingham Building; and

Whereas, the Directors of Community Development and Economic Development wish to change the terms of the loan identified in the above-mentioned ordinances to provide an incentive to the Bingham Building Limited Partnership to lease commercial space to a grocery store tenant at commercially reasonable lease rates; and

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

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

Section 1. That the Directors of Community Development and Economic Development are authorized to enter into an amendment to Contract No. 60459 with the Bingham Building Limited Partnership, changing the terms of the original loan to the new terms that are set forth in File No. 1093-04-A.

Section 2. That the amendment shall be prepared by the Director of Law and shall contain any addi-

tional provisions which he deems necessary to protect and benefit the public interest.

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

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

Ord. No. 1094-04.
By Council Members Gordon, White and Jackson (by departmental request).

An emergency ordinance to amend Section 359.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by 2204-A-48, passed December 19, 1949, relating to repairs and restorations of buildings of nonconforming use.

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 359.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, is amended to read as follows:

Section 359.03 Repairs and Restorations of Buildings of Nonconforming Use

(a) Nothing in this Zoning Code shall prevent the strengthen-

ing or restoration to a safe condition of any structural part of any building declared unsafe by the **Director of Building and Housing** or other authorized administrative official or agency of the City. **All repairs within the life of a building used for a nonconforming use shall not exceed fifty percent of the valuation of the building. The value of the repairs shall be determined under Section 3105.20 and the time of evaluation is the time of the repairs. The building valuation shall be the most recent market value as determined by the County Auditor. This section does not apply if the building is changed to a conforming use.**

(b) A building used for a nonconforming use more than fifty percent destroyed or removed by whatever cause, including acts of God but not including acts of malicious mischief or vandalism, shall not be restored or replaced except in conformity with the regulations for the district in which it is located.

Section 2. That Section 359.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, is repealed.

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

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

Ord. No. 1095-04.

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

An emergency ordinance authorizing the Director of Economic Development to accept a grant from the Ohio Department of Jobs and Family Services for the 2004 Workforce Investment Act grant; and to enter into contracts with various entities necessary to administer the Workforce Investment Act programs.

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to ". . . provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation"; and

Whereas, under WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the governor has designated the geographic boundaries of the City of Cleveland ("City") as Ohio Workforce Area ("OWA") No. 3; and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2004 for the period of July 1, 2004 through June 30, 2006, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC") and the City, the City has been designated as the WIA grant recipient, administrative entity, and OWA No. 3; and

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

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

Section 1. That the Director of Economic Development is authorized to accept a grant in the approximate amount of \$16,000,000.00, from the Ohio Department of Jobs and Family Services for the 2004 Workforce Investment Act grant for the delivery of allowable program services to eligible individuals. The Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant.

Section 2. That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities or organizations to implement the following components of the grant, payable from the funds or fund that are credited the proceeds of the grant accepted in this ordinance.

● **10 YOUTH PROGRAM ELEMENTS**

- Tutoring, Study Skills and Instruction
- Alternative Secondary School Services
- Summer Employment
- Paid Work Experience
- Occupational Skills Training
- Leadership Development
- Supportive Services
- Mentoring
- Follow-up Services
- Comprehensive Guidance and Counseling

- JOB READINESS TRAINING
- JOB DEVELOPMENT/JOB PLACEMENT
- JOB FAIRS, WIB MEETINGS, YOUTH COUNCIL, PROVIDER MEETINGS, PROGRAM RECOGNITION

Adult Employment and Training

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- PAID WORK EXPERIENCE
- SPECIALIZED POPULATION
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP
- JOB DEVELOPMENT
- JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS, PROGRAM RECOGNITION

Dislocated Worker Employment and Training

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- PAID WORK EXPERIENCE
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP
- JOB DEVELOPMENT
- JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS, PROGRAM RECOGNITION
- RAPID RESPONSE

Section 3. That the following amounts are appropriated as follows to provide for administration of the WIA programs:

A.	<u>Youth Activities</u>	
	Personnel and Related Expenses	\$ 650,000.00
	Other Expenses	<u>\$5,350,000.00</u>
	Total	\$6,000,000.00
B.	<u>Adult Employment and Training</u>	
	Personnel and Related Expenses	\$ 600,000.00
	Other Expenses	<u>\$5,400,000.00</u>
	Total	\$6,000,000.00
C.	<u>Dislocated Worker Employment and Training</u>	
	Personnel and Related Expenses	\$ 400,000.00
	Other Expenses	<u>\$3,600,000.00</u>
	Total	\$4,000,000.00

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

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

Ord. No. 1096-04.
By Council Members Cimperman, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 699A.01 to 699A.06 relating to community entertainment districts.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 699A.01 to 699A.06 to read as follows:

Chapter 699A
COMMUNITY ENTERTAINMENT
DISTRICTS

Section 699A.01 District Definition

As used in this chapter and in Section 4301.80 of the Revised Code, "Community Entertainment District" means a bounded area of at least twenty (20) contiguous acres that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- (a) Hotels;
- (b) Restaurants;
- (c) Retail sales establishments;
- (d) Enclosed shopping centers;
- (e) Museums;
- (f) Performing arts theaters;
- (g) Motion picture theaters;
- (h) Night clubs;
- (i) Convention facilities;
- (j) Sports facilities;
- (k) Entertainment facilities or complexes; or
- (l) Any combination of the establishments described in division (a)-(l) of this section that provide similar services to the community.

Section 699A.02 Application Submission

Any owner of property seeking to have that property, or that property and other surrounding property, designated as a Community Entertainment District shall file an application seeking this designation with the Mayor of the City of Cleveland and the Director of the City Planning Commission. An application to designate an area as a Community Entertainment District shall contain all of the following:

- (a) The applicant's name and address;
- (b) A map or survey of the proposed Community Entertainment District in sufficient detail to identify the boundaries of the district and the property owned by the applicant;
- (c) A general statement of the nature and types of establishments described in Section 699A.01 of this chapter that are or will be located

within the proposed Community Entertainment District and any other establishments located in the proposed Community Entertainment District that are not described in Section 699A.01 of this chapter;

(d) If some or all of the establishments within the proposed Community Entertainment District have not yet been developed, the proposed time frame for completing the development of these establishments;

(e) Evidence that the uses of land within the proposed Community Entertainment District are in accord with the Zoning Code and Map of the City of Cleveland;

(f) A certificate from a surveyor or engineer licensed under Chapter 4733 of the Revised Code indicating that the area encompassed by the proposed Community Entertainment District contains no less than twenty contiguous acres; and

(g) A handling and processing fee of \$5,000 to accompany the application, payable to the City of Cleveland, to cover administrative costs and legal advertisements.

Section 699A.03 Application Processing

(a) *Action by Mayor.* Within thirty (30) days after receiving the application, the Mayor shall submit the application with the Mayor's recommendation to the City Council. The application is a public record for purposes of Section 149.43 of the Revised Code upon its receipt by the Mayor.

(b) *Public Notice by City Council.* Within thirty (30) days after it receives the application and the Mayor's recommendations relating to the application, the City Council, by notice published once a week for two consecutive weeks in at least one newspaper of general circulation in the City of Cleveland, shall notify the public that the application is on file in the office of the Clerk of City Council and is available for inspection by the public during regular business hours. The notice shall also indicate the date and time of any public hearing to be conducted by Cleveland City Council.

(c) *Action by City Council.* Within seventy-five (75) days after the date the application is filed with the Mayor, the City Council by ordinance or resolution shall approve or disapprove the application based on whether the proposed Community Entertainment District does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community. In making its determination, the City Council shall also consider the supplemental standards established in Section 699A.04 of this chapter. Any approval of an application shall be by an affirmative majority vote of the City Council. In the event that City Council fails to act within seventy-five (75) days, the application shall be deemed to be disapproved and the application fee shall be returned to the applicant, minus advertising fees.

(d) *Revision and Re-Submission.* If the City Council disapproves the application, the applicant may make

changes in the application to secure its approval by City Council. Any area contained in an application that is approved by the City Council constitutes a Community Entertainment District, and a local option election may be conducted in the district, as a type of community facility, under Section 4301.356 of the Revised Code.

Section 699A.04 Supplemental Standards for Designation

City Council shall not approve an application for a Community Entertainment District if any perimeter boundary of the district is within five hundred (500) feet of an elementary or secondary school, a City park or City recreation facility, or a facility whose principal use is the holding of religious services, if the Council determines that the Community Entertainment District will adversely affect the operation of such facilities. In reviewing an application for a Community Entertainment District, City Council shall also consider the appropriateness of the proposed district with respect to the City of Cleveland's General Plan and other comprehensive plans adopted by the City Planning Commission, as well as with respect to the proximity and extent of residential uses, the availability of off-street parking, and crime statistics for the immediate area.

Section 699A.05 Prohibited Uses

Notwithstanding any other provisions of the Codified Ordinances of the City of Cleveland, "adult entertainment uses," as defined in Section 347.07 of the Codified Ordinances, shall be prohibited in a Community Entertainment District.

Section 699A.06 Removal of Designation

All or part of an area designated as a Community Entertainment District may lose this designation as provided in Section 4301.80 of the Revised Code and by this section. The City Council, after giving notice of its proposed action by publication once a week for two consecutive weeks in at least one newspaper of general circulation in the City of Cleveland, may determine by ordinance or resolution, that all or part of the area fails to meet the standards described in Section 4301.80 of the Revised Code and in this ordinance for designation of a Community Entertainment District. If the City Council so determines, the area designated in the ordinance or resolution shall no longer constitute a Community Entertainment District.

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

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

Ord. No. 1097-04.
By Council Members Reed, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 405.023, relating to continuous parking infraction offenders, and to amend Sections 405.02, 459.01, and 459.08, as amended by various ordinances, to authorize the impoundment of vehicles when there are five or more parking infraction judgments, to redefine "parking infraction" and "law enforcement officer", to require the payment of all outstanding fines before releasing a vehicle, and to make other amendments to enhance parking enforcement, for the Clerk of the Cleveland Municipal Court.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 405.023 to read as follows:

Ordinance 405.023 Continuous Offenders

(a) No person shall stand or park a vehicle in continuous violation of any parking infraction offense.

(b) Any person authorized to issue parking infraction tickets who observes that a vehicle has been parked for two hours or more in continuous violation of a parking infraction offense may issue a second parking infraction ticket served in accordance with Chapter 459.

(c) No vehicle found standing or parked in continuous violation of any parking infraction offense shall be ticketed more than twice in a period of twelve hours.

Section 2. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 405.02 and 459.01, as amended by Ordinance No. 1593-2000, passed December 18, 2000, and

Section 459.08, as amended by Ordinance No. 1745-85, passed June 24, 1985,

are amended to read as follows:

Section 405.02 Impounding of Vehicles

Police officers and employees of the Division of Parking facilities whose duties include providing for the impoundment of vehicles are authorized to provide for the removal of a vehicle under the following circumstances:

(a) When any vehicle is left unattended upon any street, alley or bridge and constitutes an unreasonable hazard or obstruction to the normal movement of traffic or unreasonably interferes with street cleaning or snow removal operations, or when any vehicle is left on any street or public property for more than seventy-two hours.

(b) (1) Upon complaint of any person adversely affected, when any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 4513.63 of the Revised Code, has been left on private residential or agricultural property as defined in Section 4513.60 of the

Revised Code for more than four hours without the permission of the person having the right to the possession of the property. (RC 4513.60(A)(1))

(2) When any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 4513.63 of the Revised Code, has been left on a public street or other property open to the public for the purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place. (RC 4513.61)

(3) When any motor vehicle is an abandoned junk motor vehicle as defined in Section 4513.63 of the Revised Code and removal is authorized by that Section. (RC 4513.63)

(4) When any junk motor vehicle as defined in Section 4513.65 of the Revised Code has not been either covered by being housed in a garage or other suitable structure, or removed from the property, within ten days of the date of receipt of a notice meeting the requirements of division (b) of Section 451.27 by the person having the right to possession of the property on which the junk motor vehicle is left. (RC 4513.65)

(c) When any vehicle has been stolen or operated without the consent of the owner.

(d) When any vehicle is parked on any street or other public property and displays illegal plates or fails to display the current lawfully required license plates.

(e) When any vehicle has been used in or connected with the commission of procuring, soliciting, prostitution, soliciting drug sales in violation of Section 607.20, or any felony.

(f) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code, whereby its continued operation would constitute a condition hazardous to life, limb or property.

(g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.

(h) When any vehicle has been operated by any person who failed to stop in case of accident or collision.

(i) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked.

(j) When any vehicle is found standing or parked in violation of the provisions of Section 451.04, 451.05, 451.06, 451.11, 451.13, 453.01, 453.02, 455.05, 455.06 or 455.07 of these Codified Ordinances and such vehicle has four or more parking infraction judgments or previously issued outstanding criminal citations or notices of violation of any of the provisions of the Traffic Code.

(k) When any vehicle constitutes an unreasonable hazard to persons or property at the scene of a fire, accident, disaster, riot or emergency of any kind.

(l) When any vehicle is found standing or parked in violation of the provisions of Sections 451.03, 451.041, 451.08 through 451.10, 451.12,

451.15 through 451.25, division (e) or division (f) of Section 451.33, or division (a) of Section 461.15.

(m) When any vehicle is ordered immobilized pursuant to Chapters 4503., 4507. or 4511 of the Revised Code.

(n) When any vehicle that is subject to an order of immobilization and impoundment under Section 4503.233 of the Revised Code is found being operated on any street or highway.

(o) When any vehicle with five or more outstanding parking infraction judgments or default judgments associated with the license plates displayed on the vehicle is found standing or parked on any street or highway in the Central Business District, without regard to whether any parking infraction is being committed at the time.

As used in this division, "Central Business District" has the same meaning as in Section 325.12 of the codified ordinances.

Section 459.01 Definitions

The following words and phrases, when used in this Chapter of the Traffic Code, shall have the meanings respectively ascribed to them by this section.

(a) "Parking Infraction" means a violation of the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

203.08 Parking Waste Collection Vehicles;

343.20 Service Station Parking Restrictions;

405.022 Continuous Offenders;

451.03 Statutory Prohibited Standing or Parking Places;

451.04 Manner of Parallel Parking;

451.041 Physically Handicapped Parking division (h) only;

451.05 Manner of Angle Parking;

451.08 Narrow Roadways and Alleys;

451.09 Hydrant Side of Street;

451.10 Hazardous Traffic Obstructions;

451.11 Hospital Grounds;

451.12 City Property;

451.13 Distance from Theaters;

451.15 Fire Lanes on Public and Private Property;

451.16 Street Cleaning;

451.17 Snow Emergency;

451.18 Bus Stops and Taxi Cab Stands;

451.19 Motor Carriers;

451.20 Truck Zones;

451.21 Trucks and Commercial Vehicles;

451.22 Between Sidewalk and Set-back Line;

451.23 Tree Lawn and Private Driveway;

451.24 Private Driveway or Private Property;

451.25 Abandoned Vehicles;

451.28 Reserved Street Parking for U.S. Marshal;

451.33 Valet Parking/Passenger Drop off-Pick up Zones Established; Violations, divisions (e) and (f) only;

453.01 Parking Regulations in Parking Meter Zones;

453.02 Parking Violations;

455.05 Parking Regulations;

455.061 Reserved Parking Spaces at Willard Park Garage;

455.07 Violations, divisions (a), (b), (c) and (d) only;

461.15 Prohibitions, division (a) only; and

571.37 Parking Areas; of the Codified Ordinances.

(b) "Vehicles" has the same meaning as in Section 4511.01 of the Revised Code.

(c) "Violations Clerk" means the Clerk of the Cleveland Municipal Court.

(d) "Parking Violations Bureau" means the bureau established by the Council of the City of Cleveland pursuant to Section 4521.04 of the Revised Code and Section 459.03 hereof.

(e) "Law Enforcement Officer" has the same meaning as in **division (k) of Section 601.01 of these codified ordinances** and shall also mean employees of the City or employees of the Clerk of the Cleveland Municipal Court whose duties include the issuance of parking infraction tickets while engaged in such duty.

(f) "Notification of Infraction" means the notice mailed to the owner or operator of a vehicle involved in a parking infraction pursuant to Section 4521.07 of the Revised Code and Section 459.06 hereof.

(g) "Rush Hour Parking Infraction" means a violation of division (n) of Section 451.03 of **these codified ordinances**, occurring on the streets and roadways and during the times specified in Rule Nos. 3, 3-A, 3-B, 4, and 4-A adopted by the Director of Public Safety, as the same may be amended from time to time.

(h) "Court" or "Municipal Court" means the Cleveland Municipal Court, unless specifically identified as another court, in which case it means the specifically identified court.

Section 459.08 Release of Impounded Vehicles

(a) Any vehicle which has been impounded pursuant to **divisions (j) or (l) of Section 405.02** of these codified ordinances shall be released to the owner or other person lawfully entitled to possession upon the occurrence of one of the following:

(1) If an answer to the summons and complaint is made and the answer admits the commission of the infraction, payment of the fines and penalties prescribed by Sections 459.11, 459.05, and 459.06 hereof, towing, storage, and impound fees, and administrative fees and costs shall be made with respect to the infraction for which the vehicle was impounded.

(2) If an answer to the summons and complaint is made and the answer admits with explanation the commission of the infraction, payment shall be made or a bond shall be posted or cash shall be deposited equal in amount to the payment specified in division (a)(1) of this section.

(3) If an answer to the summons and complaint is made and the answer denies the commission of the infraction, a bond shall be posted or cash shall be deposited equal in amount to the payment specified in division (a)(1) of this section.

(4) If no answer to the summons and complaint is made a bond shall be posted or cash shall be deposited equal in amount to the payment specified in division (a)(1) of this section, plus all potential additional

penalties under Sections 459.05 and 459.06.

(b) No vehicle shall be released pursuant to this section unless the person claiming ownership or lawful possession **pays:**

(1) All unpaid parking infraction judgments or default judgments that are owed by the person claiming the vehicle; and

(2) All unpaid judgments or default judgments for parking infraction offenses that were committed with any vehicle that had the same license plate number as the vehicle being claimed.

(c) No vehicle shall be released pursuant to this section unless the person claiming ownership or lawful possession produces proof of identity and ownership

(d) Any bond posted or cash deposited for the release of a vehicle under this section shall not exceed one thousand dollars (\$1000.00).

Section 3. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976: Sections 405.02 and 459.01, as amended by Ordinance No. 1593-2000, passed December 18, 2000, and

Section 459.08, as amended by Ordinance No. 1745-85, passed June 24, 1985,

are repealed.

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

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

Ord. No. 1100-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Everett Court to Kingdom Life Ministries.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-18-040, 106-18-041, 106-18-042 and 106-18-094,

as more fully described below, to Kingdom Life Ministries.

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

P. P. No. 106-18-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 342 and bounded and described as follows:

Beginning on the Southerly line of Everett Avenue N.E., (formerly Everett Place), 35 feet wide, at a point which is distant 217.38 feet Easterly measured along said Southerly line, from its intersection with Easterly line of Addison Road, N.E., (formerly Madison Avenue); thence Southerly at right angles to said Southerly line of Everett Avenue, N.E., 80.68 feet to the Southerly line of land conveyed to Sarah A. Dellenbaugh by deed recorded in Volume 563, Page 631 of Cuyahoga County Records; thence Easterly, along the Southerly line 43.61 feet; thence Northerly and parallel with the first described line 80.64 feet to the Southerly line of Everett Avenue, N.E.; thence Westerly along said Southerly line 43.61 feet to the place of beginning and further known as Sublot No. 11 in Sarah A. Dellenbaugh's proposed Subdivision of part of Original One Hundred Acre Lot No. 342, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-18-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 342, and bounded and described as follows:

Beginning on the Southerly line of Everett Avenue, N.E., at the Northwesterly corner of land conveyed to Peter D. Quigley by deed dated June 29, 1901, and recorded in Volume 794, Page 136 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Peter D. Quigley, 80 68/100 feet to the most Southerly line of land conveyed to Florence A. Dellenbaugh by deed dated October 27, 1894 and recorded in Volume 877, Page 121 of Cuyahoga County Records; thence Westerly along said Southerly line, 43 61/100 feet to the Southwesterly corner of land so conveyed to Florence A. Dellenbaugh; thence Northerly along a Westerly line of land so conveyed to Florence A. Dellenbaugh, 80 72/100 feet to said Southerly line of Everett Avenue, N.E.; thence Easterly along said Southerly line of Everett Avenue, N.E., 43 61/100 feet to the place of beginning, and being further known as Sublot No. 12 in S.A. Dellenbaugh's Proposed Subdivision of part of Original One Hundred Acre Lot No. 342, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 106-18-042 and 106-18-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No.

342, and bounded and described as follows:

Beginning in the Southerly line of Everett Avenue, N.E., the Southerly line of which is parallel with and distant Southerly 115 feet from the Northerly line of premises conveyed by Azariah Everett, Administrator, to Sarah A. Dellenbaugh by deed dated January 19, 1894, and recorded in Volume 563, Page 631 of Cuyahoga County Records, at a point 173.77 feet Easterly from the intersection of said Southerly line of Everett Avenue, N.E. with the Easterly line of Addison Road, N.E. (formerly East Madison Avenue); thence Southerly, at right angles to the Southerly line of Everett Avenue, N.E. 38 feet; thence Westerly, parallel with the Southerly line of Everett Avenue, N.E., 53.77 feet; thence Northerly, parallel with first described line, 38 feet to the Southerly line of Everett Avenue, N.E.; thence Easterly, along the Southerly line of Everett Avenue, N.E., 53.77 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1101-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 66th Street to Church of God Militant Pillar and Ground of Truth.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-053, as more fully described below, to Church of God Militant Pillar and Ground of Truth.

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

P. P. No. 118-05-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Parcel A of the Lot Split and Consolidation for Harry and Patricia McKee, as shown by the recorded plat in Volume 245 of Maps, Page 52 of Cuyahoga County Records and formerly described as being part of Sublot No. 59 in Stevens and Case Subdivision recorded in Volume 15, Page 12 and part of Sublot No. 2 in Stone, Johnson, and Bates Allotment recorded in Volume 9, Page 20. Both Subdivisions are part of Original One Hundred Acre Lot No. 338, further bounded and described as follows:

Beginning at the Southeast corner of said Sublot No. 59 at the intersection of the North line of Lucerne Avenue, 60 feet and the East line of East 66th Street, 60 feet. Thence North 0° 17' 30" West 124.29 feet along the East line of East 66th Street to an iron pin at the Northwest corner of said Sublot No. 2. Thence due East 90.00 feet along the North line of said Sublot No. 2 to an iron pin. Thence South 0° 17' 30" East 124.29 feet parallel to the East line of East 66th Street to an iron pin in the North line of Lucerne Avenue. Thence due West 90.00 feet along the North line of Lucerne Avenue to the place of beginning, be the same more or less, but subject to all legal highways. This is according to a survey by Vincent C. McGervey, Consulting Engineer Surveyor No. 4289, in August 1990.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordi-

nance shall be repealed and shall be of no further force or effect.

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

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

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

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

Ord. No. 1102-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Community Pentecostal Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-07-023, as more fully described below, to Community Pentecostal Church.

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

P. P. No. 107-07-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in D.H. Kimberley's Subdivision of part of Original One Hundred Acre Lot No. 375 as shown by the

recorded plat in Volume 18 of Maps, Page 11 of Cuyahoga County Records, and being 36-25/100 feet front on the Easterly side of East 79th Street (formerly Woolsey Street) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Ord. No. 1103-04.

By Council Member Lewis.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-09-095, as more fully described below, to Ace Jovanovski.

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

P. P. No. 119-09-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

31 in Charles W. and Matilda W. Wason's Subdivision of part of Original One Hundred Acre Lots Nos. 392, 393, 400 and 401, as shown by the recorded plat in Volume 17 of Maps, Page 26 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 93rd Street (formerly Amesbury Avenue) and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1104-04.

By Council Member Dolan.

An emergency ordinance to amend Sections 676B.01, 676B.04, and 676B.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 400-97, passed April 27, 1998, relating to garage and residential personal property sales.

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 676B.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 400-97, passed April 27, 1998, is hereby amended to read as follows:

Section 676B.01 Definitions

(a) "Garage Sale or other Residential Personal Property Sale"

shall mean all general sales, open to the public, conducted from or on a residential premises in any residential zone as defined by the Zoning Ordinance of the City by a resident of the residential premises, for the purpose of disposing of personal property, including, but not limited to, all sales commonly referred to as "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", "flea market", or "rummage" sale.

(b) "Personal Property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and which has been acquired in the normal course of living in or maintaining a residence.

(c) "Resident" shall mean a person domiciled in the City.

Section 2. That Section 676B.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 400-97, passed April 27, 1998, is hereby amended to read as follows:

Section 676B.04 General Regulations

(a) No garage or other residential personal property sales shall be permitted except between the hours of 10:00 a.m. and 6:00 p.m., nor shall exceed more than four (4) consecutive days in duration.

(b) No more than three (3) garage or other residential personal property sales shall be conducted or permitted on or at a residential premises, as defined by Section 676B.01, during any year unless permitted by the Director of Public Safety or the Director's designee after obtaining the approval of the City Councilmember for that ward.

(c) No garage or other residential personal property sales shall be permitted unless such sales are conducted by a resident of the residential premises where the sale is conducted.

(d) No garage or other residential personal property sales shall be permitted at residential premises that are vacant and/or unoccupied.

Section 3. That Section 676B.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 400-97, passed April 27, 1998, is hereby amended to read as follows:

Section 676B.05 Prohibitions

No person shall conduct, permit, or manage whether, directly or indirectly, a garage sale, or other residential personal property sale in violation of Sections 676B.02 or 676B.03.

Section 4. That existing Sections 676B.01, 676B.04 and 676B.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 400-97, passed April 27, 1998, are hereby repealed.

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

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

Ord. No. 1119-04.
By Council Members Cimperman, Sweeney, Zone, Reed, White, Jackson, Polensek, Britt, Pierce Scott, Coats, Brady, Dolan, O'Malley, Johnson and Rybka.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 432.01 through 432.06 and 432.99 thereof, relating to cruising.

Whereas, the City of Cleveland has experienced traffic congestion generated by repetitive, unnecessary driving of motor vehicles within the City in certain specific areas; and

Whereas, the City of Cleveland has also experienced repetitive, unnecessary driving around area schools both before and after school when children are either going to or leaving from school; and

Whereas, such repetitive, unnecessary driving of motor vehicles is often referred to as "cruising"; and

Whereas, the traffic congestion resulting from such cruising creates bumper-to-bumper traffic conditions, slow-speed traffic and vehicles stopped in traffic upon roadways otherwise existing for travel; and

Whereas, such repetitive, unnecessary driving around schools is often done by those seeking to intimidate, harass, kidnap or otherwise victimize a child or children; and

Whereas, such cruising in these certain areas of the City, and around schools in the City restricts residential and commercial residents in these areas and restricts those legitimately driving motor vehicles in school areas from entering and traveling in a normal traffic flow; and

Whereas, such cruising further prevents emergency vehicles from properly and expeditiously responding to emergencies; and

Whereas, cruising also creates excessive noise from traffic congestion and increases motor vehicle accidents, traffic and other offenses; and

Whereas, prohibition of cruising around schools will help prevent the targeting of school children for illegal purposes, and help keep our children safe while walking to and from school; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 432.01 through 432.06 and 432.99 thereof, to read as follows:

Chapter 432 Cruising Prohibited

Section 432.01 Findings and Purpose

It is hereby found that a threat to the public health, safety and welfare arises from the congestion created by the repetitive, unnecessary driving of motor vehicles, also known as "cruising", at certain times on certain highways in the City and around schools located in the City. The purpose of this ordinance is to reduce the dangerous traffic congestion, as well as the

noise, air pollution, obstruction of streets, sidewalks and parking lots, impediment of access to businesses and other buildings open to the public, interference with use of property or conduct of business resulting from cruising, to insure access for emergency vehicles to and through said highways, and to increase the safety of school children when walking to and from school. The regulations in this chapter are narrowly tailored to curb a problem unique to certain streets in the City and do not unreasonably interfere with constitutionally protected rights.

Section 432.02 Definitions

(a) "Cruising" means driving a motor vehicle past a traffic control point in a designated area more than twice in any two (2) hour period between the hours of 7:00 pm and 5:00 am. Passing a designated control point a third time under the aforesaid conditions shall constitute repetitive unnecessary driving and therefore a violation of this chapter.

(b) "Cruising near or by a school" means driving a motor vehicle past a traffic control point in a school zone more than twice between the hours of 7:00 am and 9:00 am and 2:00 pm and 4:00 pm on school days. Passing a traffic control point in a school zone a third time under the aforesaid conditions shall constitute repetitive unnecessary driving and therefore a violation of this chapter.

(c) "Designated area" means:

(1) Old River Road on the East Bank in the Flats District in Ward 13.

(2) The Detroit/Shoreway federal-ly designated "Weed and Seed" area in Ward 17.

(3) **West 130th Street from Interstate 71 on the north to the Linndale border on the south and then from the railroad tracks running north-east along the Linndale border to Interstate 71 on the north and then along Hirst Avenue running east and west between the Linndale border and West 130th Street; and including all streets and avenues within the above stated boundaries, in Ward 19.**

(d) "School zone" means a school zone, as defined in section 4511.21 of the Revised Code, of every school located within the City of Cleveland.

(e) "School" means a school as defined under section 4511.21 of the Revised Code and located in the City of Cleveland.

(f) "Traffic control point" means a reference point within or adjacent to a designated area or a school zone selected by a police officer for the purpose of enforcing this chapter.

Section 432.03 Cruising and Cruising Near or By a School Prohibited

No person shall engage in cruising or in cruising near or by a school. For purposes of this section, the person having control and/or ownership of a motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point. Having control or ownership of a motor vehicle shall mean either the owner of the vehicle as stated on the vehicle registration if owner is present in the vehicle at the time of the violation, or, if the owner is not pre-

sent, the person operating the vehicle at the time of the violation of this chapter.

Section 432.04 Exemptions

Section 432.03 shall not apply to

(1) any municipal, emergency, police, fire, ambulance or other governmental vehicle when same is being operated in an official capacity; and

(4) any duly licensed public transportation vehicle, including taxicabs for hire, public transit buses or other vehicles being operated for business purposes.

Section 432.05 Temporary Designated Areas

(a) The Chief of Police, through a district commander, may establish temporary designated areas where cruising is prohibited where one or more of the following conditions exist or are reasonably anticipated at these locations:

(1) Dangerous and continuous traffic congestion during evening and night hours;

(2) Excessive levels of noise or air pollution caused by traffic congestion;

(3) Potential obstruction of streets, sidewalks or access to parking lots caused by vehicular traffic;

(4) Interference with the use of property or conduct of business by vehicular traffic;

(5) Obstruction of access to and through the public way for emergency vehicles by vehicular traffic;

(6) Loud, disruptive or unruly behavior directly related to vehicular traffic.

(b) Prior to establishing a temporary designated area, the district commander responsible for the area in which the designated area is to be located shall file a written plan, approved by the Director of Public Safety, with the Chief of Police. A copy of the plan shall also be provided to the Council at least 14 days prior to the date on which the designation takes effect. The plan shall contain the following information:

(1) the location of the designated area;

(2) the dates and times during which the designated area will be in effect;

(3) a statement enumerating the problem or problems as listed in division (a) of this section that require the creation of the designated area;

(4) any instructions given to enforcement officers concerning the designated area;

(5) the location of the signs posted pursuant to division (c) of this section.

(c) Every temporary designated area shall be posted with sufficient signs to provide notice of the prohibition against cruising. The signs shall be of such size and shape as shall be deemed appropriate by the Director of Public Safety.

Section 432.06 Severability

If any clause, sentence, paragraph or part of this Chapter, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter nor the application of such clause, sentence, paragraph or part to other persons or circumstances

but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Chapter would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 432.99 Penalty

Whoever violates the provisions of Section 432.03 shall be guilty of a minor misdemeanor for the first offense. Whoever violates the provisions of Section 432.03 a second time within one year of the first conviction hereunder shall be guilty of a misdemeanor of the fourth degree. Whoever violates any provision of Section 432.03 a third or subsequent times within one year of the first conviction hereunder shall be guilty of a misdemeanor of the third degree.

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

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

Ord. No. 1132-04.

By Council Members Coats and Reed.

An emergency ordinance to amend Section 676.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2704-A-90, passed June 15, 1992, relating to definitions, identification plate, scope of provisions.

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 676.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2704-A-90, passed June 15, 1992, is amended to read as follows:

Section 676.01 Definitions; Identification Plate; Scope of Provisions

(a) As used in this chapter:

(1) "Junk" means used or secondhand materials, including scrap metal, pipe, glass, bottles, paper, canvas, rope, rags, tires, automobile or truck parts, used building materials (except bona fide architectural antiques) and other similar materials.

(2) "Junk cart" means any vehicle in the streets of the City used for the purpose of collecting, transporting or selling junk.

(3) "Junk dealer" means anyone dealing in the purchase or sale of junk, except a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool licensed pursuant to RC Chapter 4738, or a scrap metal processor.

(4) "Junk yard" means any outdoor premises used for the storage,

purchase, sale, exchange, baling, packaging, processing, disassembly, or handling of junk. For purposes of Section 676.13, "junk yard" includes "scrap metal processing facility."

(5) "Regulated items" means:

A. Monument plaques composed of any metal, traffic signs, street signs, and aluminum light poles;

B. Brass or bronze bar stock and bar ends, railroad journals, RTA journals, gas meters, water meters, ingots, and #1 copper;

C. #2 copper. For purposes of this paragraph, "#1 copper" and "#2 copper" mean #1 copper and #2 copper as specified by the most recent Institute of Scrap Recycling Industries, Inc. Scrap Specifications Circular; and

D. Aluminum and Vinyl Siding.

(6) "Scrap metal processor" means any person, firm, or corporation who processes iron, steel, or nonferrous scrap, and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

(7) "Scrap metal processing facility" means any establishment having facilities for processing iron, steel, or nonferrous scrap, and the principal product of which is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

(8) "Secondhand dealer" means any person, firm or corporation dealing in the purchase or sale of secondhand articles of whatever nature, or dealing in the purchase or sale of any secondhand manufactured article composed wholly or in part of gold, silver, platinum or other metals, or in the purchase or sale of old gold, silver or platinum, or any person, firm or corporation dealing in the purchase of articles or things comprised of gold, silver or platinum for the purpose of melting or refining, or engaged in melting precious metals for the purpose of selling, or engaged in the purchase or sale of pawnbroker tickets or other evidence of pledged articles, or not being a pawnbroker, who deals in the redemption or sale of pledged articles.

(b) Any vehicle used for the purpose of collecting, transporting or selling any junk shall be furnished by the Commissioner of Assessments and Licenses with a plate to be affixed to a conspicuous and indispensable part of the vehicle, on which plate shall be clearly set forth the official number of the junk cart with the words "Junk Cart" and the date of license expiration. The design or color of this plate shall be changed at the beginning of each license year. This division shall not apply to scrap metal processors who have obtained a license pursuant to Sections 676.02 through 676.04.

(c) Nothing in this section shall be deemed to apply to persons, firms or corporations dealing in the purchase or sale of secondhand pianos, books, magazines, rugs, tapestries, burlaps, paintings, drawings, etchings and engravings, nor to exchanges, returns or credits of merchandise where the article or articles exchanged, returned or credited are accepted in full or part payment for new merchandise; nor to persons, firms or corporations who deal exclusively in heavy industrial equipment, furniture or secondhand automobiles.

(d) Not later than one (1) year after the effective date of this sec-

tion and at least annually thereafter the Director of Public Safety shall submit to the Council a report as to whether the definition of "regulated items" contained in division (a) (5) of this section should be revised. If, in the opinion of the director, said definition is in need of revision, the report shall contain the director's recommendations therefor. The director shall make a good faith effort to notify representatives of affected industries prior to submission of the report to Council.

Section 2. That existing Section 676.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2704-A-90, passed June 15, 1992, is repealed.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1098-04.

By Council Member Britt (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement with ParkWorks for sponsorship of the "Water is Cool" campaign for the Division of Water, Department of Public Utilities.

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

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

Section 1. That, the Director of Public Utilities is hereby authorized to enter into an agreement with ParkWorks for the purpose of sponsoring the "Water Is Cool" campaign, based on ParkWorks' proposal dated January, 2004 to the Division of Water, Department of Public Utilities.

Section 2. That the contract authorized herein shall be prepared by the Director of Law and shall include such other terms and conditions as said director deems necessary to protect and benefit the public interest. The cost of the contract shall not exceed \$50,000 and shall be paid from Fund No. 52, Sub fund 001.

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

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

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

Ord. No. 1105-04.**By Council Member White.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Garland Company, Inc. for the acquisition of a building to use as a training center through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Garland Company, Inc. for the acquisition of a building for the public purpose of using it as the site of a new training center for company employees in order to retain and create jobs in Cleveland through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1106-04.**By Council Member Brady.**

An emergency ordinance authorizing the Director of City Planning Commission to enter into a grant agreement with the Westown Community Development Corporation for the Lorain Ave Master Plan through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Director of City Planning Commission is authorized to enter into an agreement with the Westown Community Development Corporation for the Lorain Ave Master Plan, for the public purpose of promoting commercial and residential development in the Lorain Avenue Area that will benefit the residents of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1107-04.**By Council Member Pierce Scott.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Northeast Neighborhood Development Corporation for the Glenville Youth Athletic Association Baseball Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Northeast Neighborhood Development Corporation for the Glenville Youth Athletic Association Baseball Program for the public purpose of providing summer baseball recreational activities for City of Cleveland youth through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1108-04.**By Council Member White.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with A-9 Management Co., Inc. to do land acquisition for building expansion through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with A-9 Management Co., Inc. to do land acquisition for building expansion for the public purpose of job retention through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1109-04.**By Council Member White.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Umoja and Kuumba Youth Association for the Umoja and Kuumba Football and Cheerleading Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Umoja and Kuumba Youth Association for the Umoja and Kuumba Football and Cheerleading Program for the public purpose of providing recreational sporting activities for Cleveland youth through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1110-04.**By Council Member Conwell.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Glenville Family YMCA for the Glenville Family YMCA Enrichment Project through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Glenville Family YMCA for the Glenville Family YMCA Enrichment Project for the public purpose of providing recreational activities to Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

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

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

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

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

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

Ord. No. 1111-04.**By Council Member Conwell.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Garrett Square Development Corporation for the Glenville Titans Football Team Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Garrett Square Development Corporation for the Glenville Titans Football Team Program for the public purpose of providing recreational sports activities to Cleveland youth through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

Ord. No. 1112-04.**By Council Member White.**

An emergency ordinance amending Section 1 of Ordinance No. 716-04, passed April 26, 2004 as it pertains to the Moore Faith Ministries Performing Arts Education Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 716-04, passed April 26, 2004 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Moore Faith Ministries for the Performing Arts Education Program for the public purpose of providing after-school performing arts education activities for Cleveland Public School Students through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 716-04, passed April 26, 2004 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.

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

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

Ord. No. 1113-04.**By Council Member Reed.**

An emergency ordinance to change the name of Bisbee Park to Carol McClendon Park.

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 name of Bisbee Park located in Ward 3, shall hereafter be changed to Carol McClendon Park, and that the Director of Parks, Recreation and Properties is authorized and directed to

take the necessary action to affect said name change and to post the proper signs.

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

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

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

Ord. No. 1114-04.**By Council Member Cimperman.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the St. Clair Superior Neighborhood Development Association to stretch banners at the intersections of East 53rd and St. Clair, East 55th and St. Clair, East 70th and St. Clair & East 71st and St. Clair, for the period from August 7, 2004 to August 31, 2004, inclusive, publicizing the St. Clair Superior Neighborhood Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to St. Clair Superior Neighborhood Development Association to install, maintain and remove banners at the intersection of East St. Clair and 53rd, St. Clair and East 55th, St. Clair and East 70th, St. Clair and East 71st, for the period from August 7, 2004 to August 31, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1115-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Get Fit with the Firemen 5K Run & 1 Mile Walk, on September 18, 2004, sponsored by Hermes Sports & Events.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Get Fit with the Firemen 5K Run & 1 Mile Walk, sponsored by Hermes Sports & Events, on September 18, 2004, with the participants beginning at 3101 Lakeside Avenue, Lakeside to East 13th, East 13th to Hamilton, Hamilton to East 40th, East 40th to King, King to East 33rd, East 33rd to Lakeside, Lakeside to finish in front of firehouse at 3101 Lakeside, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1116-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Easter Seals Walk with Me 5K Run & Walk, on July 10, 2004, sponsored by Hermes Sports & Events.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Easter Seals Walk with Me 5K Run & Walk, sponsored by Hermes Sports & Events, on July 10, 2004, with the

participants beginning at West 3rd and Stones Levee, West 3rd to Eagle Street Ramp, Eagle Street Ramp to Eagle Street, Eagle Street to Ontario, Ontario to Huron, Huron to West Superior hill, West Superior hill to West 10th, West 10 to Front, Front to Old River Road, Old River Road to Settler's Landing sidewalk, Settler's Landing sidewalk to Merwyn, Merwyn to Center, Center to Canal, Canal to Tower City Amphitheatre parking lot, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1117-04.**By Council Member Reed.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to KidsHealth 2020 to stretch banners at the intersection of East 137th and Kinsman Road, for the period from June 26, 2004 to August 2, 2004, inclusive, publicizing the KidsHealth 2020 Summer Fair Series.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to KidsHealth 2020 to install, maintain and remove banners at the intersection of East 137th and Kinsman Road, for the period from June 26, 2004 to August 2, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior

to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1120-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the American Heart Walk on June 13, 2004, sponsored by the American Heart Association.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the American Heart Walk, sponsored by the American Heart Walk on June 13, 2004, beginning at Voinovich Park, East 9th to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to West 6th, West 6th to St. Clair, St. Clair to West 9th, West 9th to Superior, Superior to West 3rd, West 3rd to Lakeside, Lakeside to East 9th, East 9th to Voinovich Park and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1121-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cats in the Flats 10K & 5K Run and 2 Mile Walk, on September 19, 2004, sponsored by Hermes Sports & Events.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cats in the Flats 10K & 5K Run and 2 Mile Walk, sponsored by Hermes Sports & Events, on September 19, 2004, with the participants beginning at St. Ignatius High School, West 30th & Lorain, Lorain to Gehring, Gehring to Abbey, Abbey to Columbus, Columbus to Carter, Carter to Scranton, Scranton to Train, Train to Wiley, Wiley to Scranton, Scranton to Starkweather, Starkweather to Jefferson, Jefferson to Professor, Professor to Literary, Literary to Kenilworth, Kenilworth to Scranton, Scranton to Carter, Carter to Columbus, Columbus to Abbey, Abbey to Gehring, Gehring to Lorain, Lorain to finish at West 30th, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1122-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cruise for Critters, on September 26, 2004, sponsored by Hermes Sports & Events.

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 411.06 of the Codified Ordina-

nances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruise for Critters, sponsored by Hermes Sports & Events, on September 26, 2004, with the participants beginning at Gateway Animal Clinic, West 15th & Abbey, Abbey to West 11th, West 11th to Starkweather, Starkweather to West 14th, West 14th to Kenilworth, Kenilworth to Scranton, Scranton to Train, turn around, Scranton to Kenilworth, Kenilworth to West 11th, West 11th to Abbey, Abbey to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1123-04.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Winking Lizard 4 Mile Run & 2 Mile Walk, on July 17, 2004, sponsored by Hermes Sports & Events.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Winking Lizard 4 Mile Run & 2 Mile Walk, sponsored by Hermes Sports & Events, on July 17, 2004, with the participants beginning at Huron & East 4th, Huron to East 4th, East 4th to Prospect, Prospect to East 36th, East 36th to Carnegie, Carnegie to East 40th, East 40th to Prospect, Prospect to East 4th, East 4th to Huron, Huron to finish — front of Winking Lizard, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of

Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1124-04.**By Council Members Cimperman, Zone and Westbrook (by departmental request).**

An emergency ordinance consenting and approving the issuance of a permit for the Sky Bank Triathlon on July 25, 2004, sponsored by Pacific Sports.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Sky Bank Triathlon, sponsored by Pacific Sports, on July 25, 2004, with the Triathlon beginning at Voinovich Park; the swim course will be in the waters of the Northcoast Harbor area, then will traverse by bike on the Shoreway from East 9th Street to West Boulevard, the run will then take place on downtown streets throughout Cleveland, utilizing the Shoreway, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1125-04.**By Council Member Zone.**

An emergency ordinance consenting and approving the issuance of a permit for the Annual Stockyard Stampede 5K Run & 1 Mile Walk, on August 7, 2004, promoted by the Stockyard Redevelopment Organization.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Annual Stockyard Stampede 5K Run & 1 Mile Run, promoted by the Stockyard Redevelopment Organization, on August 7, 2004, with the 5K Run beginning at St. Boniface South parking lot exit on West 54th, left (north) on West 54th to Kouba Ct., left (west) to West 56th, right (north) to Zoar Ct., left (west) to Gilbert Ct., right (west) to West 61st, right (north) to Stock, left (west) to West 65th, left (south) to Storer, left (east) to West 52nd, right (south) to Carlos, right (west) to West 54th, left (south) to finish line; the 1 Mile Walk beginning at St. Boniface South parking lot exit on West 54th, left (north) on West 54th to Storer, right (east) to West 52nd, right (south) to Denison, right (west) to West 54th, right (north) to finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1131-04.**By Council Member Zone.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 7, 2004 to June 21, 2004, inclusive, publicizing the Church Festival.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Sagrada Familia Church to install, maintain and remove banners at at 7750 Detroit Avenue (pole nos. E 643 and E 54 dark brown light poles) and 7775 Detroit Avenue (pole nos. E 642 and E 55 dark brown light poles) for the period from June 7, 2004 to June 21, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1099-04.**By Council Member Sweeney.**

An emergency resolution authorizing the Mayor to sign a dedication plat for Cleveland Parkway S.W.

Whereas, the City of Cleveland owns the land for Cleveland Parkway, S.W.; and

Whereas, it is required that a plat be signed by the Mayor on behalf of the City of Cleveland dedicating to public use the land for Cleveland Parkway, S.W.; and

Whereas, this resolution constitutes an emergency measure in that the same provides for the preservation of public property, health and 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 Mayor be and is hereby authorized and directed on behalf of the City of Cleveland, to sign and execute a plat dedicating to public use Cleveland Parkway, S.W. as shown on said plat as pre-

pared by the Division of Engineering and Construction of the City of Cleveland.

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

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

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

Res. No. 1118-04.

By Council Members Westbrook, Gordon, Zone, Brady, Lewis, Cimperman, Coats, O'Malley, Polensek, and Jackson.

An emergency resolution supporting the Northeast Ohio Campaign for American Manufacturing and its mission to inform the public and elected officials of the importance and economic impact of manufacturing to our communities and to implement policies that enhance the competitiveness of American-based manufacturing and requesting President Bush and the United States Congress to do its part to help achieve greater equity in competitive conditions and international trade practices.

Whereas, this Council is concerned about the decline of manufacturing jobs in northeast Ohio due to the U.S. trade deficit and manipulation by foreign governments of their currencies; and

Whereas, manufacturing is critical to the health of northeast Ohio's economy, generating high quality products, personal opportunity, careers, wealth, high standards of living and economic growth that together make up the American Dream; and

Whereas, the manufacturing sector faces intense global competition and, in many cases, unfair trade practices, making it difficult for many companies to operate profitably and earn a fair return on capital invested; and

Whereas, 44,000 manufacturing jobs have been lost in greater Cleveland between November 1999 and November 2003, of which 13,000 were lost directly due to the US trade deficit; and

Whereas, lost manufacturing jobs translate into the loss of family supporting wages, which further translates into less money spent in retail stores, for arts and entertainment, for transportation, and for legal and accounting services; and

Whereas, a dollar of lost manufacturing production leads to another \$1.50 in losses to the service-sector; and

Whereas, the loss of manufacturing companies, equipment, design and production capacity undermines our national defense and our capacity to innovate the next generation of products; and

Whereas, the U.S. trade deficit from 1994 to 2000 took more than

135,000 jobs and job opportunities from Ohio's economy; 100,000 of these jobs were from the high-paying manufacturing sector; and

Whereas, United States' exports of manufactured goods have fallen by \$100 billion from their peak in 2000, which accounts for up to 40% of the total decline in production and jobs; and

Whereas, U.S. manufacturers that attempt to do business in China and other nations face market barriers and unfair trade practices, raw material and other subsidies, technical trade restriction, violations of intellectual property rights and non-market-based industrial policies that limit U.S. exports and increase import penetration of our markets; and

Whereas, China, Taiwan, Korea and Japan are engaged in government currency intervention, through purchases of U.S. dollars to keep their currencies from appreciating, despite large trade surpluses and investment inflows; and

Whereas, intervention by the Chinese government has maintained the Chinese yuan at its artificially low 1994 value, which by some estimates is 40% below its market value; and

Whereas, unless addressed immediately, foreign currency manipulation and unfair trading practices will further weaken the manufacturing sector in northeast Ohio and the United States and encourage even larger U.S. trade deficits; and

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

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

Section 1. That this Council hereby supports the Northeast Ohio Campaign for American Manufacturing and its mission to inform the public and elected officials of the importance and economic impact of manufacturing to our communities and to implement policies that enhance the competitiveness of American-based manufacturing.

Section 2. That this Council hereby requests President Bush and the United States Congress to do its part to help achieve greater equity in competitive conditions and international trade practices.

Section 3. That the Clerk is hereby directed to send copies of this resolution to President George Bush, Senators Voinovich and DeWine and to the U.S. Representatives from Northeast Ohio.

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

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

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

Res. No. 1126-04.
By Council Member Gordon.
An emergency resolution objecting to a New C2 Liquor Permit at 4519 Bush Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Sukhdev S. Chauhan, DBA Tower Food Mart, 4519 Bush Avenue, 1st Floor, Cleveland, Ohio 44109, Permanent Number 14050630010; 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 C2 Liquor Permit at Sukhdev S. Chauhan, DBA Tower Food Mart, 4519 Bush Avenue, 1st Floor, Cleveland, Ohio 44109, Permanent Number 14050630010; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

Res. No. 1127-04.
By Council Member Johnson.
An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 3019 East 116th Street and repealing Resolution No. 1326-03, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 3019 East 116th Street by Resolution No. 1326-03 adopted by the Council on July 16, 2003; 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 D5 Liquor Permit to Albert Dailey, DBA Dailey's Food Mart, 3019 East 116th Street, Cleveland, Ohio 44120, Permanent Number 1896113 be and the same is hereby withdrawn and Resolution No. 1326-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1128-04.
By Council Member O'Malley.
An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 2011 Broadview Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disre-

gard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 4174557 owned by J B K Sales, Inc., 2011 Broadview Road, 1st floor and basement, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 1129-04.

By Council Member Rybka.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit at 3850 East 65th Street, 1st floor only.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Mohamad Humidan, DBA Mike's Food Market, 3850 East 65th Street, 1st floor only, Cleveland, Ohio 44105, Permanent Number 4068160 to Five Star Robin, Inc., DBA Mike's Food Mart, 3850 East 65th Street, 1st floor only, Cleveland, Ohio 44105, Permanent Number 2760315; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Mohamad Humidan, DBA Mike's Food Market, 3850 East 65th Street, 1st floor only, Cleveland, Ohio 44105, Permanent Number 4068160 to Five Star Robin, Inc., DBA Mike's Food Mart, 3850 East 65th Street, 1st floor only, Cleveland, Ohio 44105, Permanent Number 2760315; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1130-04.

By Council Member Sweeney.

An emergency resolution objecting to a New C1 Liquor Permit at 13925 Puritas Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Metri, Inc., DBA Clark On Go, 13925 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 5870500; 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 Metri, Inc., DBA Clark On Go, 13925 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 5870500; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING EMERGENCY
ORDINANCES PASSED****Ord. No. 2363-03.**

By Council Member Reed.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 144th Street to Mt. Pleasant Now Development Corporation or designee.

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

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

Ord. No. 246-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of printer consumables, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities.

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

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

Ord. No. 249-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to paint street-side elements, for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In Section 1, line 3, strike "or two years" and insert "year" and strike lines 12 through 16 in their entirety and insert "for the entire term."

Amendment agreed to.

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

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

Ord. No. 250-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, and repair bucket trucks, for the Division of Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 425-04.

By Council Members Conwell, Johnson, Cimperman and Jackson.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties and the Commissioner of Purchases and Supplies to enter into an agreement with the Cleveland Municipal School District providing for the transfer of City-owned property located contiguously at Forest Hill Parkway School to the Cleveland Municipal School District.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 616-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Dionex for maintenance of ion chromatograph and appurtenances, including labor and materials, for the Division of Water, Department of Public Utilities.

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

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

Ord. No. 633-04.

By Council Member Coats.

An emergency ordinance to amend Section 613.15 of the Codified Ordinances of Cleveland, Ohio, as enacted by Ordinance No. 1695-65, passed October 18, 1965, relating to litter on vacant land.

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

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

Ord. No. 696-04.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.18, relating to loaned United States government property located at Cleveland Hopkins International and Burke Lakefront Airports.

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

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

Ord. No. 701-04.

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

An emergency ordinance determining the method of making various public improvements as authorized by the Year 30 Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract or contracts for the making of the various public improvements.

Approved by Directors of Community Development, Public Service, Parks, Recreation and Properties, Public Utilities, Finance, Law; Passage recommended by Committees on Community and Economic Development, Public Service, Public Parks, Property and Recreation, Public Utilities, Finance.

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

Ord. No. 756-04.

By Council Member Westbrook.

An emergency ordinance to vacate a portion of West 101st Place.

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

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

Ord. No. 758-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, provide, install, and integrate a comprehensive security system or systems, including maintenance and training; determining the method of making the public improvement of constructing a Central Monitoring Facility to integrate and control the security systems; authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement; authorizing the Director of Public Utilities to employ one or more professional consultants to design a Central Monitoring Facility; authorizing the purchase of labor and materials necessary for the security of the City's Utilities; and authorizing the acquisition of interests in real property.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Utilities, City Planning, Finance; when amended as follows:

1. In Section 1, line 2, after "one or more consultants" and after "one or more firms of consultants" insert "located in the United States of America".

2. At the end of Section 1, after "Director of Finance." insert the following: "The contracts authorized shall contain a provision that all the

work to be performed under the contract by the consultant and their subcontractors shall be performed by employees located in the United States of America."

3. In Section 4, line 2, after "goals" insert **"and, as applicable, the goals of Chapter 188, the Fannie M. Lewis Cleveland Resident Employment Law,"**

Amendments agreed to.

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

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

Ord. No. 759-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various automotive and truck parts and services, including an inventory control service, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed three years.

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

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

Ord. No. 762-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Varian Inc. for the maintenance and repair of various Varian chromatographs, spectrometers and appurtenances, including the purchase of Varian consumable and replacement parts, for the Division of Water, Department of Public Utilities, for a period of three years on an as-needed basis.

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

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

Ord. No. 830-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2005 Team Approach to Violence Against Women Program - Prosecution; and to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants to implement the program.

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

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

Ord. No. 835-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Mincom for professional services necessary to provide maintenance and technical support of Ellipse software, including other modules.

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

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

Ord. No. 836-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain plate trucks, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Ord. No. 842-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide engineering, water quality assessments and analyses, environmental, safety, forensic, and other services needed for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, line 4, after "engineering;" insert **"design"**.

2. In Section 1, line 5, after "engineering services;" insert **"design services;"**.

Amendments agreed to.

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

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

Ord. No. 847-04.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials to install a hot water heater and storage tank, including attachments and accessories at the Zone Recreation Center, for the Division of Property Management, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Com-

mittees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 852-04.

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 Cleveland Housing Network, Inc., or its designee, for the acquisition, rehabilitation or construction of low income housing units.

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

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

Ord. No. 853-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

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

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

Ord. No. 854-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

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

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

Ord. No. 906-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to maintain and support the PeopleSoft Financial Management System, for a period of six months, with one option to renew for an additional six month period and two additional options to renew for one year periods each.

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

1. In the title, strike lines 5, 6, 7, and 8 in their entirety and insert "management System, or in the alternative, to enter into an amendment to Contract No. 53069 with PeopleSoft USA, Inc. to provide continuing services under the contract, both for a period of one year, with two additional options to renew for one-year periods each."

2. In Section 1, second paragraph, strike lines 8, 9, 10 and 11 in their entirety and insert "and shall be for a one-year period, with two options exercisable by the Director of Finance to renew for additional one-year periods each, cancelable on thirty days written notice by the director."

3. Insert new Sections 2 and 3 to read as follows:

"Section 2. That, in the alternative, the Director of Finance is authorized to enter into an amendment to Contract No. 53069 with PeopleSoft USA, Inc. to provide continuing services under the contract for an additional one-year period, with two options exercisable by the Director of Finance to renew for additional one-year periods each, cancelable on thirty days written notice by the director, on terms and conditions acceptable to the Director of Finance.

Section 3. That the contract amendment shall be prepared by the Director of Law and shall contain additional conditions and provisions that the Director deems necessary to protect and benefit the public interest."

4. In existing Section 2, line 1, strike "contract or contracts" and insert "contracts or contract amendments".

5. Renumber existing Sections 2 and 3 to new "Section 4" and "Section 5".

Amendments agreed to.

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

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

Ord. No. 907-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of Microsoft licenses for the various divisions of City government, for a period not to exceed three years.

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

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

Ord. No. 908-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more internet service providers for the City's internet,

intranet, and web hosting services for a period of one year with one one-year option to renew.

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

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

Ord. No. 909-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of messenger services, for the various divisions of City government.

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

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

Ord. No. 910-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with BancTec, Inc. to maintain the hardware and software of up to two BancTec 9500 remittance processors and equipment for a two year period, for the Division of Fiscal Control, Department of Public Utilities.

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

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

Ord. No. 911-04.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, are by enacting new Section 535.08 relating to competitive response water service agreements and the rates for service under competitive response agreements; and authorizing the Director of Public Utilities to enter into a competitive response water service agreement with the City of Brunswick under Section 535.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

1. In Section 3, line 2, after "Board of Control" insert the following: "through Resolution No. 0321-04, adopted May 26, 2004."

Amendment agreed to.

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

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

Ord. No. 912-04.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with the Western Reserve Historical Society and any other documents and agreements necessary to complete the Project.

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

1. In Section 3, at the end, add the following: "Once the final rental costs have been determined, the Director of Port Control is required to identify those costs for Council's approval through additional legislation."

Amendment agreed to.

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

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

Ord. No. 929-04.

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 Alcohol & Drug Addiction Services Board of Cuyahoga County for the Mental Health & Substance Abuse Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 930-04.

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 State Childhood Lead Poisoning Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 931-04.

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 2005 Federal Childhood Lead Poisoning Prevention Program; and

to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 932-04.

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 St. Luke's Foundation for the Making Greater Cleveland Lead Safe Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 933-04.

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 United States Conference of Mayors for the Cities for United Science Progress Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 935-04.

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 United States Environmental Protection Agency for the US EPA Lead Poisoning Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 936-04.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to

receive compensation for conducting inspections of summer food program sites.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 937-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of animal trapping services, for the Division of Health, Department of Public Health.

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

1. In the title, line 4, and in Section 1, line 6, strike "Division of Health" and insert "**Division of Environment**".

Amendment agreed to.

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

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

Ord. No. 938-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of dust wipe and cleaning kits, and other materials, supplies, and equipment needed for home lead testing and reduction, for the Division of Health, Department of Public Health.

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

1. In the title, line 6, and in Section 1, line 7, strike "Division of Health" and insert "**Division of Environment**".

Amendment agreed to.

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

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

Ord. No. 939-04.

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

An emergency ordinance authorizing the Directors of Public Health and Community Development to enter into contracts with various agencies to provide AIDS-related services, in conjunction with the HOPWA Grant.

Approved by Directors of Community Development, Public Health, Finance, Law; Relieved of Committee on Health and Human Services; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 947-04.

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 Western Reserve Area Agency on Aging for the 2005-2006 Western Reserve Area Agency on Aging Program.

Approved by Directors of Aging, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 950-04.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contracts with various agencies to provide AIDS-related services.

Approved by Directors of Community Development, Public Health, Finance, Law; Relieved of Committee on Health and Human Services; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 987-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of manufacturing, printing, encoding, sorting, and mailing of income tax statements and returns, for the Division of Taxation, Department of Finance, for a period of one year with two one-year options to renew.

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

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

Ord. No. 988-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test and maintain the FM200 fire suppression system, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two one-year options to renew.

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

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

Ord. No. 989-04.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design, provide, install, and integrate information technology security services, including vulnerability analyses and training.

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

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

Ord. No. 990-04.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design, provide, install, and integrate a Security Command Center at Cleveland Hopkins International Airport, including maintenance and training; and authorizing one or more requirements contracts for the purchase of labor and materials necessary for the Security Command Center.

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

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

Ord. No. 991-04.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Concession Agreement with Airport Marketing Income, LLC for special events' promotion, marketing, and advertising for the Department of Port Control, for a period of three years, with two three-year options to renew.

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

1. In the title, strike line 7 in its entirety and insert **"years, with one option to renew for an additional three-year period."**

2. Strike Section 3 in its entirety and insert **"Section 3. That the term of the Agreement shall be for three years, commencing on the Agreement's effective date, with one option, exercisable by the Director of Port Control, to extend the term of the agreement for one additional three-year term. The Agreement shall be cancelable on the Director's thirty-day written notice. The Director will report at the end of each calendar year to the Clerk of Council and the Chair of the Aviation and Transportation Committee regarding initiatives conducted under the Agreement."**

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 992-04.

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

An emergency ordinance authorizing the Director of Port Control to lease certain City-owned property located at Cleveland Hopkins International Airport known as the Federal Facilities Building, to the United States of America for its exclusive use, for a five-year period.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 1005-04.

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 Case Western Reserve University for the Case Western Reserve Partnership Program.

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

1. At the second Section 3, line 1, strike "Section 3" and insert **"Section 4"**.

Amendment agreed to.

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

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

Ord. No. 1006-04.

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

An emergency ordinance authorizing the Director of Public Health to enter into Maintenance and Encumbrance Agreements with homeowners that receive lead hazard control benefits.

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

1. In Section 1, strike lines 2 and 3 in their entirety and insert **"a Maintenance and Encumbrance Agreement ("Agreement") with a homeowner in which the City Department of Public Health will perform lead hazard control services under the Lead Hazard Control program and the homeowner will pay for the costs of the services. For each Agreement entered into under this authority, the Director of Public Health shall notify the councilmember in whose ward the home**

is situated that identifies, by street address, the home that is the subject of the Agreement."

2. Strike Section 2 in its entirety.

3. In existing Section 3, line 1, strike "In addition," and insert **"That"**; strike lines 3, 4, 5, 6, and 7 in their entirety and insert **"property is maintained lead safe, the expenses do not have to be repaid and are considered a grant to the homeowner."**

4. In existing Section 4, line 1, strike "If the Agreement includes a provision that any and all expenses" and insert **"That the Agreement may also include a provision that if all expenses"**; strike lines 2 and 3 in their entirety and insert **"including any relocation costs, are not repaid by the owner of the property within thirty days"**; and in line 6, between "Licenses" and the period, insert **"to be collected as a lien"**.

5. In existing Section 6, line 1, strike "Agreements" and insert **"Agreement"**.

6. Renumber existing Sections 3, 4, 5, 6, and 7, to new **"Section 2"**, **"Section 3"**, **"Section 4"**, **"Section 5"**, and **"Section 6"**.

Amendments agreed to.

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

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

Ord. No. 1015-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Care Alliance to provide financial assistance for the acquisition and rehabilitation of a facility at 1530 St. Clair Avenue to provide health care for the homeless.

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

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

Ord. No. 1022-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cudell Improvement, Inc. to provide economic development assistance to partially finance the acquisition of real property located at 11650 Detroit Avenue, Cleveland, Ohio, and all other associated costs to redevelop the property.

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

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

Ord. No. 1023-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Kenneth A. Lanci and Linda J. Lanci and/or Superior-Payne Holdings, LLC and an Enterprise Zone Agreement with Consolidated Graphics Group, Inc., each to provide for a ten-year, seventy-five percent tax abatement as an incentive to expand Consolidated Graphics Group, Inc. located at 1614 East 40th Street in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 1024-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Wootten Properties, a holding company for Pumps and Equipment Sales to provide economic development assistance to partially finance the acquisition of real property located at 4548 Industrial Parkway, Cleveland, Ohio, 44135, and all other associated costs to redevelop the property.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 169-04.

By Council Member Dolan.

An ordinance to change the zoning of parcels at Southwest corner of Warren Road and Triskett Road from a General Retail Business Use District and a Multi-Family Residential Use District to a Local Retail Business Use District and a Multi-Family Residential Use District (Map Change No. 2110 and 2111, Sheet No. 12).

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

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

Ord. No. 342-04.

By Council Members Cimperman and Pierce-Scott.

An ordinance establishing the St. Clair Business Revitalization District (Map Change No. 2087, Sheet No. 4).

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

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

Ord. No. 343-04.

By Council Member Conwell.

An ordinance to change the zoning of parcels along Superior Avenue between East 114th and Lakeview from General Retail to Local Retail Business District (Map Change No. 2114, Sheet No. 8).

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

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

Ord. No. 344-04.

By Council Member Conwell.

An ordinance to change the zoning of parcels along Superior between Parkwood and East 115th Street from General Retail to Multi-Family Residential Use District (Map Change No. 2113, Sheet No. 8).

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

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

Ord. No. 491-04.

By Council Member Zone.

An ordinance to change the zoning of parcels along Courtland Court between West 54th and West 57th Streets from a Two-Family Residential Use District to an RA2 Townhouse District (Map Change No. 2116, Sheet No. 1).

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

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

Ord. No. 637-04.

By Council Member Pierce Scott.

An ordinance to change the zoning of parcels along the north side of Superior Avenue between East 101st and East 103rd Streets from a Single-Family Residential Use District, a Multi-Family Residential Use District, and a Local Retail Business Use District to an RA-2 Townhouse Use District and a Planned Unit Development (PUD) Overlay District; from "B," "C," and "D" Area Districts to a "C" Area District; and from a "1" Height District to a "2" Height District (Map Change No. 2122, Sheet No. 4).

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

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

LAID ON THE TABLE

Ord. No. 1881-97.

By Council Member Lewis, Jackson, Rybka and Westbrook (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1517 East 85th Street

to United Fellowship Christian Church.

Ord. No. 781-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cleveland Foundation for the Geographic Information Systems Mapping and Neighborhood Intervention Project; authorizing the director to employ one or more professional consultants to design the maps; authorizing the director to enter into contract with Case Western Reserve University to implement the project; and authorizing the purchase by one or more requirement contracts of materials, services, and supplies necessary to implement the project.

Ord. No. 934-04.

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 United States Environmental Protection Agency for the Cleveland Air Toxic Monitoring Project; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

Without objection Ordinance No. 1881-97, Ordinance No. 781-04 and Ordinance No. 934-04 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance Nos. 1881-97, 781-04 and 934-04 tabled.

MOTION

By Council Member Pierce Scott seconded by Council Member Cimperman and unanimously carried that the absence of Council Members Nelson Cintron Jr. and Zachary Reed be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, June 14, 2004 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 2, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 2, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Collette Appolito, Acting Director, Office of Equal Opportunity.

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

Resolution No. 329-04.

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 March, 2004 in the amount of \$16,933.76, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 330-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cleveland State University, Division of Continuing Education, under the contract for services necessary to administer a comprehensive program that provides technology training necessary to support the staff's skill development, for the Division of Water, Department of Public Utilities, authorized by Ordinance No. 1077-02, passed June 17, 2002, and Board of Control Resolution No. 677-03, adopted November 5, 2003, is hereby approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
Broma Information Technology, LLC (MBE)	\$50,000.00 2.76 %
Vital Resources (FBE)	\$50,000.00 2.76 %

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting

Director Pettus, Directors Ronayne, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 331-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Electric Laboratories and Sales Corp., a Hughes Supply Co. for an estimated quantity of metering and metering equipment, item nos. 1 thru 5, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on April 22, 2004, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Five Hundred Forty Three Thousand and no/100 Dollars (\$543,000.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 129686 which shall be certified against such contract in the sum of One Hundred Ninety Five Thousand Seven Hundred and no/100 Dollars (\$195,700.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 332-04.

By Director Mok.

Whereas, under Ordinance No. 253-99, passed May 19, 1999, and Board of Control Resolutions No. 463-99, adopted July 14, 1999, and No. 826-99, adopted December 22, 1999, the City, through its Director of Port Control, entered into City Contract No. 55154 and First Amendment with Baker and Associates, for the purpose of providing professional consulting architectural/engineering services for the design of the West Side Cargo Ramp project at Cleveland Hopkins International Airport for the Department of Port Control; and Whereas, the City has determined to modify the scope of work further to include additional consulting architectural/engineering services for the design of the West Side Cargo Ramp project; and

Whereas, Consultant has proposed by its letter dated December 7, 1999 to perform the additional services necessary; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that

the Director of Port Control is hereby authorized to enter into a Second Amendment to the agreement between the City of Cleveland and Baker and Associates, City Contract No. 55154, to include additional consulting architectural/engineering services for the design of the West Side Cargo Ramp project at Cleveland Hopkins International Airport based on Consultant's proposal dated December 7, 1999. The amount to be paid for these additional services shall not exceed Fifty Thousand Five Hundred Thirty-Nine Dollars (\$50,539.00), thereby increasing the total contract amount not to exceed Nine Hundred Eight Thousand Eight Hundred Sixty-Three Dollars (\$908,863.00).

Be it further resolved that Board of Control Resolution No. 463-99, adopted July 14, 1999 affirming and approving a professional service agreement to Baker and Associates, is amended by changing the sub-contract amount of Central Engineering to 11% MBE (\$103,137.00).

Be it further resolved that all other terms of said Resolution No. 463-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

(See note filed with the resolution.)

Resolution No. 333-04.

By Director Mok.

Whereas, under Ordinance Nos. 552-2000 and 1234-2000, passed June 19, 2000 and July 17, 2000, respectively, and Board of Control Resolution No. 472-02, adopted July 3, 2002, the City, through its Director of Port Control, entered into City Contract No. 60025 with Baker and Associates, for the purpose of providing professional engineering design services for the Phase II Utility Corridor Sanitary Redesign project at Cleveland Hopkins International Airport for the Department of Port Control; and

Whereas, the City has determined to modify the scope of work to include additional engineering design services for the Phase II Utility Corridor Sanitary Redesign project; and

Whereas, Consultant has proposed by its letter dated December 3, 2003 to perform the additional services necessary; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a First Modification to the agreement between the City of Cleveland and Baker and Associates, City Contract No. 60025, to include additional engineering design services for the Phase II Utility Corridor Sanitary Redesign project at Cleveland Hopkins International Airport, based on Consultant's proposal dated December 3, 2003. The amount to be paid for the additional services shall not exceed Seventy-Eight Thousand Three Hundred Dollars (\$78,300.00), thereby increasing the total contract

amount to One Hundred Sixty-Two Thousand One Hundred Dollars (\$162,100.00).

Be it further resolved that Board of Control Resolution No. 472-02, adopted July 3, 2002, affirming and approving a professional service agreement to Baker and Associates, is amended by changing the M/FBE subcontractor participation for KS Associates to 14.6% FBE (\$23,600.00) and for Central Engineering to 7.5% MBE (\$12,200.00).

Be it further resolved that all other terms of said Resolution No. 472-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

(See note filed with the resolution.)

Resolution No. 334-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that bid of Perk Company, Inc. for the public improvement of The Rehabilitation of Lorain Avenue from W. 65th St. to W. 41st St., Lakeside Avenue from W. 6th St. to E. 9th St., and Van Aken Boulevard from Shaker Blvd. to Buckeye Rd., for the Division of Engineering and Construction, Department of Public Service, received on March 26, 2004, pursuant to the authority of Ordinance Nos. 2090-03 and 2241-03, passed December 15, 2003 and February 9, 2004, respectively, upon a unit basis for the improvement, in the aggregate amount of One Million, Two Hundred Eighteen Thousand, Ninety Four & 10/100 Dollars (\$1,218,094.10), is affirmed and approved as the lowest responsible bid; and the Director of Public Service is authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractors by Perk Company, Inc. for the above public improvement is approved:

McTech Corporation
MBE — 15.25% — \$185,714.00

Cuyahoga Supply & Tool Inc.
FBE — 1.02% — \$61,905.00

The Shelly Company
34.45% — \$419,587.50

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 335-04.

By Director Watson.

Be it resolved by the Board of Control of the City of Cleveland that

pursuant to the authority of Ordinance No. 2465-02, passed by the Council of the City of Cleveland on June 2, 2003, the University of Cincinnati, is hereby selected upon the nomination of the Director of Public Safety from a list of universities and professional consultants, after a full and complete canvass by said Director, as the professional services provider to be employed by contract for the purpose of conducting a Traffic Stop Data Collection Project for the Division of Police, Department of Public Safety.

Be it further resolved that the Director of Director of Public Safety is hereby requested to enter into a written contract with the University of Cincinnati based upon its proposal dated October 9, 2003, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as described in such proposal and shall contain additional terms and conditions the Director of Law deems necessary to protect and benefit the public interest. The fee for the services to be rendered under the contract authorized shall not exceed \$95,750.00.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 336-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cenweld Corp. for an estimated quantity of accessories and equipment for outfitting a cargo van, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on March 17, 2004, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to Ten Thousand Seven Hundred Eighty-Nine and 00/100 Dollars (\$10,789.00) (Net-30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130356 which shall be certified against such contract in the sum of Ten Thousand Seven Hundred Eighty-Nine and 00/100 Dollars (\$10,789.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Acting Director Williams,

Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Director Rush.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 21, 2004

9:30 A.M.

Calendar No. 04-100: 4522 South Hills Drive (Ward 15)

Douglas Moore, owner, appeals to install 6' high privacy fence along and parallel to a driveway situated on an approximate 38' x 130' parcel located in a One-Family District on the northwest corner of South Hills Drive and Tampa Avenue at 4522 South Hills Drive; contrary to the Fence Regulations, no portion of a fence located within 30' of the intersection of two street right-of-way lines may exceed 2 1/2' in height, unless all portions of the fence above the 2 1/2' height are at least 75% open and these same restrictions apply to any portion of a fence, located along and parallel to a driveway within 15' of its intersection with a public sidewalk or public street, if no sidewalk is present as stated in Section 358.03(a) of the Codified Ordinances.

Calendar No. 04-101: 17636 Lakeshore Boulevard (Ward 11)

Gerald Westmoreland, owner, appeals to expand the use of one-story, masonry, nonconforming auto repair

shop into two separate auto repair shops, situated on a 100' x 155' corner lot located in a Multi-Family District on the southeast corner of Lakeshore Boulevard and Brazil Road at 17636 Lakeshore Boulevard; subject to the provisions for Non-conforming Uses, the proposed expansion requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 04-102: 8713 Vineyard Avenue (Ward 2)

Angie Hubbard, owner, appeals to establish a Type A day care in an existing one family, two-story dwelling, situated on a 35' x 140' parcel located in a Two-Family District on the north side of Vineyard Avenue at 8713 Vineyard Avenue; contrary to the Regulations for Residential Districts, the proposed day care location in a Two-Family District abuts a Two-Family District and may not be less than 30' from an adjoining residential premises not used for a similar purpose and requires the Board of Zoning Appeals review and approval as stated in Section 337.02(f)(3)(C) of the Codified Ordinances.

Calendar No. 04-103: 4702 Franklin Boulevard (Ward 17)

Jack Kline, owner, appeals to erect a 40' x 108' two-story frame, one family dwelling with an attached garage, situated on a 50' x 159' parcel located in a Two-Family District on the north side of Franklin Boulevard at 4702 Franklin Boulevard; contrary to the Regulations for Area Requirements, a maximum gross floor area of 4,760 s/f is proposed for the first and second floor, where 50% of the lot size, or 3,968 s/f, is allowed, as stated in Section 355.05(b) of the Codified Ordinances.

Calendar No. 04-106: 5836 Broadway Avenue (Ward 12)

Family Dollar Store c/o Brad Butler, agent, appeals to erect a one-story 9,180 s/f retail store on an 85' x 150' parcel, located in a General Retail Business District on the southwest corner of Broadway Avenue and Blanche Avenue at 5836 Broadway Avenue; contrary to Section 349.04(f) of the Off-Street Parking and Loading Requirements, no parking is proposed and 19 spaces are required as determined at the rate of one space per 500 s/f of the gross floor area; and under Sections 352.08 through 352.11, a 10' wide landscaping transition strip is required at the rear of the property where it abuts a Residential District; and a 13' setback exists along Broadway Avenue and none is proposed, contrary to the Requirements for Yards and Courts as stated in Section 357.07(a) of the Codified Ordinances.

Calendar No. 04-125: 14300 Miles Avenue (Ward 1)

Michael Sudman, owner, and Cathy Eaton, tenant, appeal to change the use of a one-story masonry, auto repair garage to a use for auto wrecking and auto parts sales, situated on an acreage parcel in a Semi-Industry District on the south side of Miles Avenue at 14300 Miles Avenue; contrary to Section 345.03 of

the Regulations for Industrial Districts, where auto wrecking is not permitted in a Semi-Industry District, but first permitted under Section 345.04(a)(4) in a General Industry District, provided that it is in a minimum lot area of 50,000 s/f and is enclosed within a minimum 7' high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence and may have only one entrance that is a maximum of 20' in width; and no printing or lettering or advertisement may be on the outside wall or fence except for an identification sign located at the entrance to the proposed area; and contrary to the Regulations for Wrecking Yards, there is no barrier proposed where a setback area between the street line and the building line is required to have a 1 1/2' high barrier around the setback area as stated in Section 347.06(e) of the Codified Ordinances.

Calendar No. 04-126: 2493 West 20th Street (Ward 14)

Stefan Was, owner, appeals to erect a 20' x 43' two-story, frame attached garage and dwelling unit to the rear of an existing two-story dwelling situated on a 35' x 100' parcel in a Two-Family District on the southeast corner of West 20th Street and Moltke Court at 2493 West 20th Street; contrary to Section 355.05 of Area Requirements, the maximum gross floor area may not exceed 50% of the lot size, and 3,168 s/f is proposed where 2,880 s/f is allowed; and contrary to Sections 357.08 and 357.09 of the Regulations for Yards and Courts, a rear yard of 8' is proposed where 20' is required and an interior side yard of 1'3" is proposed where 3' is required; and subject to the provisions for Nonconforming Uses, the existing nonconforming dwelling is less than a 3' distance from the property line and the proposed expansion requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 04-127: 2572 Scranton Road (Ward 14)

Charles Christopher Real Estate, owner, appeals to expand an existing restaurant by adding an outdoor patio with 48 seats at the west side of an existing 40' x 120' two-story building, situated on a 62' x 130' parcel in split zoning for General Retail Business and Multi-Family Districts on the southwest corner of Scranton Road and Starkweather Avenue at 2572 Scranton Road; contrary to Section 349.04(f) of the Requirements for Parking and Loading, 12 additional parking spaces are required for the added 48 seats and none are proposed; and subject to the provisions for Nonconforming Uses, the existing restaurant is located on frontage that is in a General Retail Business District and the rear of the lot is in a Multi-Family District, where a restaurant is not permitted and the proposed expansion of a non-conforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 7, 2004

At the meeting of the Board of Zoning Appeals on Monday, June 7, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 04-104: 5501 Memphis Avenue

Ken Neuzil appealed to install a 3' wide x 5' long double face, illuminated sign cabinet on an existing steel pole at the front of a parking area for a store in a Local Retail Business District; subject to conditions.

Calendar No. 04-107: 4511 Rocky River Drive

Dan Meisner, owner, and Ron Shipley, prospective purchaser, appealed to change a one-story masonry office building to a day care in a Residence Office District; subject to conditions.

Calendar No. 04-110: 1551 East 105th Street

LDV, Inc., owner, and the Veterans Affairs Medical Center, lessee, appealed to erect a two-story, 17,000 s/f education center and offices in a Local Retail Business District and a Limited One-Family District.

Calendar No. 04-90: 6501 Quimby Avenue

Rysar Properties appealed to erect a 20' x 20' one-story frame accessory garage in a Multi-Family District; subject to conditions.

The following appeals were **Denied**:

Calendar No. 04-105: Hack License Suspension

Sarossy Tibor appealed from the suspension of a City of Cleveland Hack License by the Commissioner of Assessments and Licenses.

Calendar No. 04-80: 1619 Denison Avenue

Thomas Klypchak appealed to park accessory vehicles at the west side of a one-family dwelling in a Multi-Family District.

The following appeals were **Postponed**:

Calendar No. 04-108: 887 Herrick Road postponed to June 28, 2004.

Calendar No. 04-109: 14601 Montrose Road postponed to June 21, 2004.

On Monday, June 7, 2004, in Executive Session:

In Executive Session on June 7, 2004, no appeals heard on May 24, 2004 were adopted or approved.

Secretary

Secretary

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

Re: Report of the Meeting of
June 2, 2004

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-117-03.

RE: Appeal of Knights Center Corporation, Owner of the Property located on the premises known as 840 Huron Road from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 29, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in ninety (90) days.

* * *

Docket A-14-04.

RE: Appeal of Henry Thomas, Owner of the Property located on the premises known as 8136 Superior Avenue from a VIOLATION NOTICE — FIRE CODE (abandoned underground storage tanks) of the Chief of the Division of Fire, dated January 5, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date on Docket A-14-04, the docket will be rescheduled in sixty (60) days.

* * *

Docket A-28-04.

RE: Appeal of Susan Soeder, Owner of the Mixed One Dwelling Unit One Story Masonry Property located on the premises known as 5713 Harvard Avenue (aka 5713-19-21 Harvard Avenue) from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated February 27, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-28-04 has been POSTPONED; to be rescheduled for June 16, 2004.

* * *

Docket A-33-04.

RE: Appeal of John P. Tucky, Owner of the Two & One/half Story/Two Dwelling Units Residential Property located on the premises known as 4006 East 57th Street from a 30 DAY CONDEMNATION ORDER — GARAGE of the Director of the Department of Building and Housing, dated March 23, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and sixty (60) days in which to complete abatement of the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-35-04.

RE: Appeal of Andre' Hancock, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 1394 East 94th Street (aka 1394-96 East 94th Street) from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE/PEELING PAINT, of the Director of the Department of Building and Housing, dated March 15, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to abate the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-40-04.

RE: Appeal of Tree Of Hope Enrichment Center, Owner of the Property located on the premises known as 17877 St. Clair Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled in thirty (30) days.

* * *

Docket A-45-04.

RE: Appeal of The City of Cleveland — Burke Lakefront Airport C/O Champ Car World Series Cleveland LLC, Owner of the Property located on the premises known as 1501 N. Marginal Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated May 18, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the 0.25 inch requirement (OBC Section 1008.14) and permit the 3/4" gap to exist, noting that there will be signage regarding high heels in the stands and it will

be monitored by security throughout the facility. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-46-04.

RE: Appeal of Oatey Co., Owner of the Roof Garden Property located on the premises known as 4700 West 160th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated May 20, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the stairway to be constructed as indicated with the provision that the walkway be increased to three (3) feet, and that the stair is to be three (3) feet and the grading is to be open; the variance is granted to require no covering over the stairway, and the maximum occupancy is understood to be ten (10) people, and noting that it will not be used during the winter months. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-53-04.

RE: Appeal of Melanie Miller, Owner of the Property located on the premises known as 1456 West 85th Street from a LIMITATION ON THE PERMIT of the Director of the Department of Building and Housing, dated April 14, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will remain open for any future appeals.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

A-29-04—Albert Dailey.

A-31-04—Kelly Rice.

A-41-04—Cleveland Municipal School District.

A-43-04—Titan Realty Group.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the

Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

May 19, 2004

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

* * *

INFORMAL HEARING:

SANDVICK ARCHITECTS INC.

RE: CHICLE BUILDING
10307 DETROIT AVENUE
HORIZONTAL DISTANCE BETWEEN ELECTRICAL BOXES.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, JUNE 17, 2004

Plumbing Equipment & Supplies, for Various Divisions, Department of Finance, as authorized by Ordinance No. 425-03, passed by the Council of the City of Cleveland, March 31, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 10, 2004 AT 1:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 2, 2004 and June 9, 2004

WEDNESDAY, JUNE 23, 2004

Number 2 Dyed Low Sulfur Diesel Fuel, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 248-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, JUNE 16, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 2, 2004 and June 9, 2004

WEDNESDAY, JUNE 30, 2004

Motor Vehicle Interior & Exterior Body Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 245-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING THURSDAY, JUNE 24, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 2, 2004 and June 9, 2004

WEDNESDAY, JUNE 23, 2004

One (1) Cab/Chassis With Flat Bed Body/Crane, for Various Divisions, Department of Public Service, as authorized by Ordinance No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 17, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Cab/Chassis With Chip Dump Body/Aerial Device, for Various Divisions, Departments of Public Service, Parks, Recreation and Properties and Public Safety, as authorized by Ordinance No. 1683-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 17, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 9, 2004 and June 16, 2004

THURSDAY, JUNE 24, 2004

HVAC/R Supplies and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1116-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 17, 2004 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 44105.

June 9, 2004 and June 16, 2004

WEDNESDAY, JUNE 30, 2004

Computer Related Equipment, for the Division of Taxation, Department of Public Service, as authorized by Ordinance No. 69-04, passed by the Council of the City of Cleveland, January 12, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, JUNE 21, 2004 AT 1:30 P.M., DIVISION OF TAXATION, 1701 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Hand Held and Hand Held Power Tools, for Various Divisions, Department of Finance, as authorized by Ordinance No. 884-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, JUNE 21, 2004 AT 2:30 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

June 9, 2004 and June 16, 2004

WEDNESDAY, JULY 7, 2004

Taser X26 and Accessories, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 646-92, passed by the Council of the City of Cleveland, June 1, 1992.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JUNE 30, 2004 AT 11:00 A.M., JUSTICE CENTER, 1300 ONTARIO STREET, 8TH FLOOR, ROOM 829, CLEVELAND, OHIO 44113.

June 9, 2004 and June 16, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1041-04.

By Council Member Jackson.

An emergency resolution declaring this Council's intention, pursuant to the Charter and the Codified Ordinances of the City, to seek proposals from certified public accountants to furnish the labor and materials necessary to maintain a continuous audit of the books of accounts, records and transactions of the administrative departments of the City for 2004.

Whereas, Charter Section 47 and Section 111.05 of the Codified Ordinances of the City require City

Council to cause a continuous audit to be made of the books of account, records and transactions of the administrative departments of the City; and

Whereas, pursuant to the Charter and Codified Ordinances, such audit shall be made by one or more certified public accountants having qualifications set forth in Charter Section 47; and

Whereas, pursuant to Section 111.06 of the Codified Ordinances of the City, the Clerk of Council shall seek proposals from certified public accountants for labor and materials necessary to perform the audit as provided for under the Charter and Codified Ordinances; and

Whereas, the duties of the auditor or auditors shall include the certification of all statements required under Section 95 of the Charter showing financial transactions of all departments and offices of the City; and

Whereas, the auditor or auditors shall examine the statements referenced above which shall include, but not be limited to a general balance sheet, exhibiting the assets and liabilities of the City, supported by departmental schedules, and schedules for each utility publicly owned or operated; summaries of income and expenditures, supported by detailed schedules, and also comparisons, in proper classification, with the last previous year; and

Whereas, after proposals have been received, reviewed and proper-

ly tabulated, Council shall by resolution award a contract for such continuous audit for 2004; and

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

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

Section 1. That this Council hereby declares its intention, pursuant to the Charter and the Codified Ordinances of the City, to seek proposals from certified public accountants to furnish the labor and materials necessary to maintain a continuous audit of the books of accounts, records and transactions of the administrative departments of the City for 2004.

Section 2. That the Clerk is hereby directed to generate requests for proposals based on this resolution and to seek proposals as set forth herein and in the Codified Ordinances of the City.

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

Adopted May 24, 2004.

Effective June 3, 2004, without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

**Thursday, May 27, 2004
9:30 a.m.**

Public Utilities Committee: Present in Utilities: Coats, Chair; Brady, Cintron, Polensek, Sweeney, Westbrook. *Authorized Absence:* O'Malley, Vice Chair; Jones, Zone.

**Tuesday, June 1, 2004
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Zone. *Authorized Absence:* Reed, Pierce Scott.

**Wednesday, June 2, 2004
10:00 a.m.**

Aviation and Transportation Committee: Present in Aviation: Westbrook, Chair; Sweeney, Vice Chair; Britt, Dolan, Gordon, Rybka. *Authorized Absence:* Reed.

1:30 p.m.

Public Utilities Committee: Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

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O—Ordinance; R—Resolution; F—File
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