

The City Record

Official Publication of the Council of the City of Cleveland



November the Sixteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

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

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, NOVEMBER 16, 2005

No. 4797

CITY COUNCIL

MONDAY, NOVEMBER 14, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 14, 2005

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

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

Also present were Chief Operating Officer Brown and Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Watson, Thompson, Williams, Routen, Huth, Fumich, Taylor, Brown, and Margreat Jackson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Grady Stevenson, Jr. of Damascus Road Ministries. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 2098-05.

From Kevin Patrick Prendergast, Attorney and Counselor at Law — re: Political Activities of Classified Employees. Received.

File No. 2099-05.

Special Caucus meeting minutes, November 10, 2005 — discussion of 2006-2009 President of Council. Received.

File No. 2100-05.

From the Public Utilities Commission of Ohio — Cleveland Thermal Chilled Water Distribution, LLC — District Cooling Agreement — MPA Chesterfield, LLC — Case No. 05-1173-CC-AEC. Received.

File No. 2101-05.

From the State of Ohio Environmental Protection Agency — National Pollutant Discharge Elimination System (NPDES) — Public Notice No. 05-11-016. Received.

File No. 2102-05.

From the Department of Public Utilities — Subsidiary Agreements — Contract No. PI 63697 A, West 28th/Chatham Area Sewer Project. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2103-05.

Re: New Application — 7703063 — Samba LLC, d.b.a. Sergio's, 13225 Shaker Square 1st floor and patio. (Ward 4). Received.

File No. 2104-05.

Re: Transfer of Ownership Application — 6549231 — 1701 East 12th LLC, d.b.a. Scorchers, 1701 E. 12th St., Suite R135, 1st floor. (Ward 13). Received.

File No. 2105-05.

Re: Transfer of Ownership and Location Application — 7703063 — Samba LLC, d.b.a. Sergio's, 13225 Shaker Square, 1st floor and patio. (Ward 4). Received.

File No. 2106-05.

Re: Transfer of Ownership and Location Application — 5923765 — Middle East Cuisine, Inc., 1012 Prospect Avenue. (Ward 13). Received.

**RECORDING OF VOTE
OF ABSENT MEMBER**

File No. 2107-05.

November 1, 2005

Valarie J. McCall
Clerk of Council
City Hall, Room 216
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Clerk McCall:

In accordance with Rule 22 of the Rules of Council, I hereby request that my vote be recorded as a yeas on all ordinances and resolutions passed and adopted by Cleveland City Council on October 31, 2005. Thank you.

Very truly yours,
Emily Lipovan Holan
Council Member, Ward 15

Received.

RECORD OF VOTE

In accordance with the request of Council Member Lipovan Holan and Rule 22 of the Rules of Council, the vote on the following ordinances and resolutions passed and adopted by Cleveland City Council on October 31, 2005 is changed as follows:

Ord. No. 2045-05.
Yeas 16. Nays 0.

Res. No. 2044-05.
Yeas 16. Nays 0.

Res. No. 2047-05.
Yeas 16. Nays 0.

Ord. No. 1646-05.
Yeas 16. Nays 0.

Ord. No. 1647-05.
Yeas 16. Nays 0.

Ord. No. 1648-05.
Yeas 16. Nays 0.

Ord. No. 1828-05.
Yeas 16. Nays 0.

Ord. No. 1837-05.
Yeas 16. Nays 0.

Ord. No. 1878-05.
Yeas 16. Nays 0.

Ord. No. 1889-05.
Yeas 16. Nays 0.

Ord. No. 1890-05.
Yeas 16. Nays 0.

Ord. No. 1899-05.
Yeas 16. Nays 0.

Ord. No. 1900-05.
Yeas 16. Nays 0.

Ord. No. 1961-05.
Yeas 16. Nays 0.

Ord. No. 1785-05.
Yeas 16. Nays 0.

Ord. No. 1645-05.
Yeas 16. Nays 0.

CONDOLENCE RESOLUTIONS

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

Res. No. 2108-05 — Charity Mae Fortson.

Res. No. 2109-05 — Mayor Paul Ruggles.

CONGRATULATION RESOLUTIONS

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

Res. No. 2110-05—Kaye General.
Res. No. 2111-05—Bohdan Samokyszyn.

Res. No. 2112-05—Reverend Robert L. Niehoff.

Res. No. 2113-05—Greater Friendship Baptist Church.

Res. No. 2114-05 — Olive Margaret Harrison.

Res. No. 2115-05 — "We are the Body of Christ"/Holy Name High School.

Res. No. 2116-05 — Lee and Claudine Roseman.

Res. No. 2117-05 — The Belokranjski Club of Cleveland.

Res. No. 2118-05 — Jeffrey M. Smith.

Res. No. 2119-05 — Bernice and Julius Tufts.

RECOGNITION RESOLUTIONS

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

Res. No. 2120-05—Gio Hoa Ryan.
Res. No. 2121-05—Jerry Jurka.

Res. No. 2122-05—Edwin Jones.
Res. No. 2123-05 — Family Life Week.

Res. No. 2124-05—Thomas Joseph Donnelly.

Res. No. 2125-05 — Tourie and Damien Escobar.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 2066-05.
By Council Members White and Jackson (by departmental request). An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 125.11 relating to law student internship agreements.

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 125.11 to read as follows:

Section 125.11 Law Student Internship Agreements

The Director of Law is authorized to enter into one or more agreements with law schools for the City to participate in student intern programs, including programs where the City receives reimbursements of salaries or stipends paid to law students

interning at the Department of Law, programs where the law students receive funds directly from the law school or another source for interning at the Department of Law, programs where the City provides a portion of the salaries or stipends paid to law students interning at the Department of Law, and programs where the law students receive academic credit for interning at the Department of Law.

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

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

Ord. No. 2067-05.

By Council Members White and Jackson (by departmental request). An emergency ordinance to amend various sections of Chapter 191 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004, relating to municipal income tax.

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

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

Section 1. That Sections 191.0311, 191.031302, 191.0705, 191.1102, 191.1104, 191.1504, and 191.1902, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004 of the Codified Ordinances of Cleveland, Ohio, 1976, are amended to read as follows:

Section 191.0311 Net Profits

"Net profits" mean (i) if the taxpayer is a corporation, the corporation's "adjusted federal taxable income" as that term is defined in Sections 718.01(A)(1)(a)-(f) of the Revised Code; (ii) if the taxpayer is an "association," "pass-through entity," or "unincorporated business entity," "adjusted federal taxable income" as that term is defined in Section 718.01(A)(1)(g) of the Revised Code; and (iii) if the taxpayer is an individual, the individual's profit, other than amounts specifically excluded in Section 718.01(F) of the Revised Code, required to be reported on federal Schedule C, Schedule E, or Schedule F, as provided by the Internal Revenue Service.

The "net profits" of a taxpayer shall be adjusted in accordance with the provisions of this Chapter and the Rules and Regulations.

Section 191.031302 Other Payer

"Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the **federal gross income** of the individual.

Section 191.0705 Operating Loss; Carry Forward

(a) The portion of a net operating loss sustained in any taxable year subsequent to January 1, 1967, allocable to the City may be applied against the portion of the net profit of succeeding tax years allocable to the City, until exhausted but in no event for more than five (5) taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.

(b) The portion of net operating loss sustained shall be allocated to the City in the same manner as provided herein for allocating net profits to the City.

(c) The Tax Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry forward shall be determined.

Section 191.1102 Form and Content of Return

The city income tax return shall be filed with the Tax Administrator on a form prescribed by and obtainable upon request from the Tax Administrator or on a generic form in accordance with Section 718.05 of the Revised Code, setting forth:

(a) The aggregate amounts of all qualifying wages, net profits and all other taxable income earned and/or received by the taxpayer during the taxable year and subject to the city income tax;

(b) The amount of the tax imposed by this chapter on such qualifying wages, net profits; and all other taxable income;

(c) Such other pertinent statements, schedules, information, returns, copies of federal or state tax returns or any other information as the Tax Administrator may require; and

(d) In accordance with Section 718.051 of the Revised Code and the Rules and Regulations, taxpayers subject to the city income tax on the net profits from a business or profession may file the city income tax return by using the Ohio Business Gateway.

Section 191.1104 Consolidated Returns

(a) Filing of consolidated returns may be permitted or required in accordance with the Rules and Regulations prescribed by the Tax Administrator. A consolidated return may be filed by any affiliated group of corporations subject to the tax imposed by this chapter if that affiliated group filed for the same taxable year a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code. If an affiliated group of corporations subject to the tax imposed by this chapter is required to file a consolidated return or files a consolidated return in accordance with this Section, the affiliated group of corporations must continue to file consolidated returns including that group of corporations and any other group of corporations included in the federal consolidated filing group for all sub-

sequent taxable years that the group files a consolidated tax return for federal tax purposes unless, on or before the due date for filing the city income tax return for the taxable year, the affiliated group obtains written permission from the Tax Administrator to file separate returns for that year.

(b) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City constituting a portion only of its total business, the Tax Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City. If the Tax Administrator finds that net profits are not properly allocated to the City by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Tax Administrator shall make such allocation to produce a fair and proper allocation of net profits to the City.

Section 191.1504 Abatement of Interest and Penalty

Upon recommendation of the Tax Administrator, the Board of Review may abate penalty or interest, or both, or upon a written appeal by the taxpayer upon the refusal of the Tax Administrator to recommend abatement of penalty, interest, or both, the Board may nevertheless abate penalty or interest, or both, for reasonable cause shown.

The Rules and Regulations may authorize the Tax Administrator to abate penalty, interest, or both, for reasonable cause shown in certain circumstances.

Section 191.1902 Cleveland Resident Subject to Income Tax in Other Municipality

(a) When a resident is subject to and has paid a municipal income tax in another municipality on the same income taxable under this chapter, regardless of whether such other municipality allows a credit to its residents, and the rate of Cleveland's municipal income tax is less than two and one-half percent (2.5%), such resident may claim a credit of the amount of income tax paid to the other municipality, but not in excess of fifty percent (50%) of the tax imposed by this chapter. When a resident is subject to and has paid a municipal income tax in another municipality on the same income taxable under this chapter regardless of whether such other municipality allows a credit to its residents and the rate of Cleveland's municipal income tax is two and one-half percent (2.5%) or more, such resident may claim a credit of the amount of income tax paid to the other municipality which credit shall not exceed the tax assessed by this chapter on the resident's tax-

able income subject to tax by another municipality.

(b) In the event a resident is entitled to credit for taxes paid another municipality, such resident is required to file a return on a form in such manner as the Tax Administrator may prescribe.

(c) Assignment of any claim for refund to which a resident may be entitled from another municipality shall be tentatively accepted as payment of that portion of city income tax represented by such assignment. However, if satisfactory evidence is offered that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefor because of fault or neglect on the part of either municipality.

(d) In the event such resident fails, neglects or refuses to file such return or form as is prescribed by the Tax Administrator, such resident shall not be entitled to such credit and shall be considered in violation of this chapter for failure to file a return and make payment of taxes due hereunder.

(e) A resident owner of a pass-through entity that does not conduct business in the City and that has paid an income tax to another municipality may claim a credit equal to the lesser of (i) the resident owner's proportionate share of the amount, if any, of income tax paid by the pass-through entity to another municipality in the State; or (ii) the resident owner's proportionate share of the amount of city income tax that would be imposed on the pass-through entity if the pass-through entity conducted business in the City.

(f) In no case shall the amount of the credit allowed under division (e) of this Section exceed the tax assessed by this chapter on the resident owner's taxable income subject to tax by another municipality.

(g) The credits provided in Section 718.021 and 718.121 shall be available to residents, if applicable.

(h) Except as otherwise provided in Sections 718.021; 718.121 and 718.14 of the Revised Code, this chapter and the Rules and Regulations, where a nonresident is subject to the tax imposed by this chapter and is subject to tax on the same taxable income in the municipality where such nonresident resides, no credit against the city income tax levied by this chapter shall be allowed.

Section 2. That Sections 191.0311, 191.031302, 191.0705, 191.1102, 191.1104, 191.1504, and 191.1902, as amended or enacted by Ordinance No. 2208-04, passed December 13, 2004 of the Codified Ordinances of Cleveland, Ohio, 1976, are repealed.

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

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

Ord. No. 2068-05.
By Council Members Coats, White and Jackson (by departmental request).

An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 910-98, passed February 14, 2000; and to repeal Section 4 and amend Section 6 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, relating to the Cleveland Public Power energy adjustment charge and collection of tax remittances under Section 5727.81 of the Revised Code.

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 rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of Resolution No. _____, on _____, 200__, are approved.

Section 2. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 910-98, passed February 14, 2000, is amended to read as follows:

Section 523.21 Energy Adjustment Charge

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

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

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

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt

hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. The incremental charge calculated herein shall be adjusted by subtracting 3.0 mills per kilowatt hour.

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

Section 3. That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 910-98, passed February 14, 2000, is repealed.

Section 4. That Section 4 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, is repealed.

Section 5. That Section 6 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, is amended to read as follows:

Section 6. That Cleveland Public Power shall collect and pay over, at least annually, to the general fund all tax remittances due the City collected under Section 5727.81 of the Ohio Revised Code, and that by the end of each calendar year, Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of such tax remittances collected during that year to be applied exclusively to the repayment or defeasance of any bonded indebtedness and for capital improvements of Cleveland Public Power.

Section 6. That existing Section 6 of Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, is repealed.

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

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

Ord. No. 2069-05.
By Council Members Westbrook and Jackson (by departmental request).

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

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to maintain and repair automatic doors, in the ap-

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150579)

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

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

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

Ord. No. 2070-05.
By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of reconstructing the Eagle Avenue pedestrian access way; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing the Eagle Avenue pedestrian access way from the Tower City Amphitheater in the

Flats to Ontario Road in the Gateway Entertainment District, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166609.

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

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

Ord. No. 2071-05.

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, bridge approaches and appurtenances and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, bridge approaches and appurtenances, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commission-

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

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 166611)

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

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

Ord. No. 2072-05.

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

An emergency ordinance determining the method of making the public improvement of constructing the West 121st Street extension between Sector Avenue and Berea Road; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the West 121st Street extension between Sector Avenue and Berea Road, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

the subject of a separate contract on a unit basis.

Section 3. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to make the improvement. The consideration to be paid for the property shall not exceed its appraised value.

Section 4. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 5. That the cost of the improvement and property acquisition authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166617.

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

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

Ord. No. 2073-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to enter into an agreement to allow the City to accept a donation of computer hardware and services from the East Cuyahoga County Genealogical Society; and authorizing the Director to accept the donation.

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 the Department of Parks, Recreation, and Properties is authorized to enter into an agreement with the East Cuyahoga County Genealogical Society for the donation of computer hardware and services to create a database of the City's cemetery records.

Section 2. That the Director of Parks, Recreation, and Properties is authorized to accept the donation described in Section 1 above, which is estimated to be in excess of \$10,000, from the East Cuyahoga County Genealogical Society.

Section 3. That the agreement shall be prepared by the Director of Law.

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

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

Ord. No. 2074-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 1433 East 49th Street to Ohio Diesel Technical Institute, or its designee.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Ohio Diesel Technical Institute, or its designee (the "Redeveloper") no longer needed for public use and located at 1433 East 49th Street; and

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

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

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

1433 East 49th Street
PPN: 104-09-070

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being the Northerly 10.00 feet of Sublot No. 20 and the Southerly 22.00 feet of Sublot No. 19 in A.K. Johnstone's Subdivision of part of Original 10 Acre Lots Nos. 127 and 128 as shown in recorded plat in Volume 13, Page 33 of Cuyahoga County Map Records, and bounded and described as follows:

Being 32.00 feet front on the Easterly side of East 49 Street and extending back between parallel lines of equal depth 159.96 feet to East 51 Place.

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

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

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

Ord. No. 2075-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to provide services necessary to manage the Gateway East and Gateway North Garages for a period not to exceed five years.

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

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

Section 1. That 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 manage the Gateway East and Gateway North Garages for a period not to exceed five years.

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 2. That the cost of contract or contracts authorized shall be paid from the fund or funds to which are credited the fees collected from the operation of the Gateway East and Gateway North Garages.

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

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

Ord. No. 2076-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to The Light of Liberty 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 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 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). 107-12-094 and 107-12-095, as more fully described below, to The Light of Liberty Church.

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

P. P. No. 107-12-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 38 and 39 in W.J. Crawford and James Parmelee's Subdivision of part of Original Hundred Acre Lot No. 384, as shown by the recorded plat of said Subdivision in Volume 16 of Maps, Page 5 of Cuyahoga County Records. Said Sublot Nos. 38 and 39 together forming a parcel of land irregular in shape, which parcel has a frontage of 91/90/100 feet on the Easterly line of East 93rd Street (formerly Mather Street) extends back 110 feet on South line, 140-77/100 feet on the Northeasterly line which line is also the Southwesterly line of Ansel Road, N.E. and is 4-4/100 feet wide in the rear, as appears by said plat, be the same, more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 107-12-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in W.J. Crawford and Jas. Parmelee's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 16 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 93rd Street (formerly Mather Street), and extending back of equal width 110 feet, as appears by said plat.

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. 2077-05.

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

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

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 contract with Kog Holdings LLC to provide economic development assistance to partially finance the purchase of real property including a commercial building and all other associated costs necessary to redevelop the

property located at located at 1275 Main Avenue.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 2077-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Thousand Dollars (\$300,000), and shall be paid from Fund Nos. 17 SF 008 and 12 SF 954, which funds are appropriated for this purpose, Request No. 103683.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006 and 12 SF 958.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 2078-05.

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

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

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its October 21, 2005 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, provided Mt. Pleasant NOW Development Corporation submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Mt. Pleasant NOW Development Corporation to provide development assistance to partially finance the renovation of the abandoned Napa Auto Parts building located at 13905-13 Kinsman Road, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 2078-05, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriat-

ed for this purpose, Request No. 103682.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 2081-05.

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

An emergency ordinance to amend Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, relating to a contract with The Great Lakes Towing Company for financial assistance for services and to construct improvements to 4500 Division Avenue.

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

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

Section 1. That Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, are amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. **1059-05-B**, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Seventy-Five thousand Dollars (\$375,000) from Fund No. 10 SF 541, and **Four Hundred Thirty-Nine Thousand Five Hundred Dollars (\$439,500) from Fund No. 10 SF 552, for a aggregate total of \$814,500**, which funds are appropriated for this purpose, Request No. 103660.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 10 SF 542 and **10 SF 553.**

Section 2. That existing Sections 2, 3, and 5 of Ordinance No. 1059-05, passed June 6, 2005, are repealed.

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

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

Ord. No. 2082-05.

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

An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, relating to an Enterprise Zone Agreement with The Great Lakes Towing Company for 4500 Division Avenue.

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

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

Section 1. That the title, and Sections 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The Great Lakes Towing Company to provide for a **ten-year, seventy-five percent tax abatement** for certain tangible real property improvements as an incentive to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a **ten-year, seventy-five percent tax abatement** for real property improvements in the form of new construction, renovation, and site improvements at 4500 Division Avenue; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. **1058-05-B**. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 2. That the existing title, and Sections 2 and 3 of Ordinance No. 1058-05, passed June 6, 2005, are repealed.

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

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

Ord. No. 2085-05.

By Council Member Cimperman. An emergency ordinance to designate that section of Prospect Avenue from Medical Mutual Plaza at the corner of Prospect Avenue and Huron Road to East 4th Street as "Medical Mutual Way" as a secondary and honorary designation.

Whereas, Medical Mutual serves more than 1.5 million healthcare customers; and

Whereas, Medical Mutual is headquartered in downtown Cleveland in the historic Rose building; and

Whereas, Medical Mutual employs 2,500 Ohio-based employees; and

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, that section of Prospect Avenue from Medical Mutual Plaza at the corner of Prospect Avenue and Huron Road to East 4th Street shall also be known as "Medical Mutual Way" as a secondary and honorary designation.

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

Ord. No. 2091-05.

By Council Member Lewis.

An emergency ordinance to name the new tennis wall at the Thurgood Marshall Recreation Center as the "Anita Ashford Tennis Wall".

Whereas, Ms. Anita Ashford serves as a tennis coach at the Thurgood Marshall Recreation Center; and

Whereas, Ms. Ashford also serves on the recreation center's Advisory Board; and

Whereas, Ms. Ashford is an advocate for public improvements at the recreation center; and

Whereas, it is appropriate to honor Ms. Ashford's dedication to tennis programs at Thurgood Marshall Recreation Center; 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 new tennis wall located at Thurgood Marshall Recreation Center is hereby named "Anita Ashford Tennis Wall".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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

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

Ord. No. 2092-05.

By Council Member Lewis.

An emergency ordinance to name the refurbished baseball field at the Thurgood Marshall Recreation Center as the "John Roscoe Baseball Field".

Whereas, Mr. John Roscoe served as a volunteer and coach at the Thurgood Marshall Recreation Center; and

Whereas, Mr. Roscoe was a World War II veteran and a minor league baseball player; and

Whereas, Mr. Roscoe was an advocate for public improvements at the recreation center; and

Whereas, it is appropriate to honor Mr. Roscoe's dedication and commitment to recreation programs at Thurgood Marshall Recreation Center; 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 refurbished baseball field located at Thurgood Marshall Recreation Center is hereby named "John ("Johnny") Roscoe Baseball Field".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 2083-05.

By Council Member Cimperman.

An ordinance to change the Use District of land bounded by East 55th Street, Bonna Avenue and East 58th Street as shown on the attached map to a Residence Industry District (Map Change No. 2172, Sheet 4).

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

Section 1. That the Use Districts of land bounded and described as follows:

Beginning in the centerline of East 55th Street at its intersection with the centerline of Bonna Avenue;

Thence Easterly along the centerline of Bonna Avenue to its intersection with the Southerly prolongation of the Easterly line of Sublot No. 33 in the Paul Kindsvater Subdivision as shown on the recorded plat in Volume 4 of Maps, Page 37 of Cuyahoga County Records;

Thence Northerly along said prolongation, Easterly line and its Northerly prolongation to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 13 in the Paul Kindsvater Subdivision as shown on the recorded plat in Volume 12 of Maps, Page 5 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Southerly line and its Easterly prolongation to its intersection with the centerline of East 58th Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of Sublot No. 12 in said Paul Kindsvater Subdivision;

Thence Westerly along said prolongation and Northerly line approximately 140 feet to its intersection with the Easterly line of Cuyahoga County Auditor's Permanent Parcel Number (ppn) 104-12-051;

Thence Northerly along said Easterly line and Northerly prolongation approximately 155 feet to its intersection with a Southerly line of Cuyahoga County Auditors Permanent Parcel Number (ppn) 104-12-052;

Thence Easterly along said Southerly line approximately 34 feet to its intersection with a Northeasterly line of said parcel;

Thence Northwesterly along said Northeasterly line approximately 38 feet to its intersection with a Southeasterly of said ppn 104-12-052

Thence Northeasterly along said Southeasterly line and its Northeasterly prolongation approximately 75 feet to its intersection with the centerline of East 58th Street;

Thence Northwesterly along said centerline approximately 100 feet to its intersection with the Easterly prolongation of the Northerly line of said ppn 104-12-052;

Thence Southwesterly and Westerly along said Easterly prolongation, Northerly line, and its Westerly prolongation to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline to the place of beginning.
and as shaded on the attached map is changed to a Residence Industry District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2172, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 2095-05.

By Council Member Cintron.

An ordinance establishing the Clark Metro Business Revitalization District (Map Change No. 2082 Sheet Nos. 1 and 2).

Whereas, the Board of Trustees of Clark Metro Development Corporation has submitted a written request dated June 24, 2003, to the City Planning Commission for designation of a Business Revitalization District in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the

boundaries of the proposed District; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation contained in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore,

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

Section 1. That the Clark Metro Business Revitalization District is hereby established and includes the areas shown on the map in File No. 2095-05-A.

Section 2. That the designation of the area described in Section 1

hereof as the Clark Metro Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 2079-05.

By Council Member Jackson (by departmental request).

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

Whereas, this Council, in accordance with the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2006; and

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

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

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

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

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

SCHEDULE A

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

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

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2080-05.

By Council Member Cimperman.

An emergency ordinance to amend Sections 6 to 10 of Resolution No. 1387-05, adopted on September 12, 2005, relating to the resolution of necessity; approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the creation of the Downtown Business Improvement District and to provide additional security, additional cleaning and maintenance of the public rights-of-way within the District and collective economic development and marketing of the District in the City of Cleveland; determining to proceed to provide additional security, cleaning and maintenance of the public rights-of-way within the District, and collective economic development and marketing of the District; adopting the assessments; levying the assessments; and authorizing the Director of Economic Development to enter into an agreement with the Downtown Cleveland Improvement Corporation.

Whereas, the Assessment Equalization Board appointed under Resolution No. 1841-05, adopted October 10, 2005, to hear and determine all objections concerning the estimated assessments under Resolution No. 1387-05, adopted September 12, 2005, to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District; and

Whereas, the Assessment Equalization Board has filed its report with this Council as to its determination of the objections; and

Whereas, this Council deems the report proper in all respects; and

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

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

Section 1. That Sections 6, 7, 8, 9, and 10 of Resolution No. 1387-05, adopted September 12, 2005 are amended to read as follows:

Section 6. That the assessments to be levied shall be paid when levied in five annual installments. **That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City on or before January 15, 2006. The second through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2007 through 2010. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.**

Section 7. Reserved.

Section 8. Reserved.

Section 9. Reserved.

Section 10. Reserved.

Section 2. That existing Sections 6, 7, 8, 9, and 10 of Resolution No. 1387-05, adopted September 12, 2005 are repealed.

Section 3. That the report of the Assessment Equalization Board, appointed under Resolution No. 1841-05, adopted October 10, 2005, is approved and placed in **File No. 2080-05-A.**

Section 4. That the assessments as equalized by the Board and recommended by it in the report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

Section 5. That it is determined to proceed to provide additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District (collectively, "District Services") in the Downtown Cleveland Improvement District as established in Resolution No. 1387-05, adopted September 12, 2005, as amended by this ordinance (the "Resolution of Necessity").

Section 6. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and estimates previously approved and filed in the office of the Clerk of Council, in accordance with the estimates, as equalized.

Section 7. That all claims for damages resulting from the District Services that have been filed under law shall be judicially inquired into after completion of the District Services.

Section 8. That it is further determined that the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner, and number of installments as provided for in the Resolution of Necessity.

Section 9. That the list of assessments as equalized by the Board, for the cost of the District Services as reported to this Council, placed in the file mentioned above, and aggregating \$16,216,484.02 are adopted and conformed as final assessments.

Section 10. That the several amounts of the final assessments are assessed and levied on the lots and lands benefited and to be charged therewith in the Downtown Cleveland Improvement District in proportion to the benefits as described in the Resolution of Necessity.

Section 11. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 12. That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

Section 13. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City on or before January 15, 2006. The second through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2007 through 2010. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on

the tax duplicate and collected the same as other taxes, as provided by law.

Section 14. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 15. That the Clerk of this Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this ordinance.

Section 16. That the Clerk of Council is directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

Section 17. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 18. That the Director of Economic Development is authorized to enter into a contract with Downtown Cleveland Improvement Corporation setting forth the terms under which the City will levy an assessment for the Downtown Cleveland Improvement District and the use of the proceeds of the assessments levied herein.

Section 19. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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. 2086-05.

By Council Member Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Spanish American Committee for Three Kings Day and Holiday Food Distribution Program through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Spanish American Committee for the Three Kings Day and Holiday Food Distribution Program for the public purpose of promoting Hispanic cultural heritage and providing food baskets to low and mod-

erate income Cleveland residents over the holiday season through the use of Ward 14 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$33,000 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2087-05.

By Council Member Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the House that Wisdom Built for the Hunger Food Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the House that Wisdom Built for the Hunger Food Program for the public purpose of providing warm meals and food for needy Cleveland residents through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$12,000 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2088-05.**By Council Member Johnson.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation for the Food Program for Needy Residents through the use of Ward 4 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Buckeye Area Development Corporation for the Food Program for Needy Residents for the public purpose of providing a food assistance program for low to moderate income Cleveland residents through the use of Ward 4 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$24,000 and shall be paid from Fund No. 10 SF 166.

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

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

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. 2089-05.**By Council Member Dolan.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Clerac, Incorporated for the Enterprise Rent-A-Car Relocation Project through the use of Ward 21 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Clerac, Incorporated for the Enterprise Rent-A-Car Relocation Project for the public purpose of creating new jobs and retaining existing jobs through the use of Ward 21 Neighborhood Equity Funds.

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

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

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

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

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. 2090-05.**By Council Member Brady.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Westown Community Development Corporation for the Residential Home Repair Rebate Program through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to amend contract number 63312 with the Westown Community Development Corporation in the amount of \$25,000 for the Residential Home Repair Rebate Program for the public purpose of providing home repair assistance to Cleveland residents through the use of Ward 19 Neighborhood Equity.

Section 2. That the funds referred in Section 1, shall be paid from Fund No. 10 SF 166.

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

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

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. 2084-05.**By Council Members Dolan, Zone and Westbrook.**

An emergency resolution objecting to plans to move the Lakewood Social Security Administration Office and encouraging the Social Security Administration to maintain the local office at 14650 Detroit Avenue in Lakewood, Ohio.

Whereas, the United States Social Security Administration currently operates a local office at 14650 Detroit Avenue in Lakewood, Ohio; and

Whereas, this local office is centrally located and utilized by many Clevelanders residing on the West Side; and

Whereas, this local office is easily accessible via public transportation, bicycle, and pedestrian traffic; and

Whereas, the Social Security Administration is contemplating moving the Lakewood local office to a suburb that is not as accessible to Clevelanders residing on the West Side and not as accessible via public transportation; and

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

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

Section 1. That this Council hereby objects to plans to move the Lakewood Social Security Administration Office and encourages the Social Security Administration to maintain the local office at 14650 Detroit Avenue in Lakewood, Ohio.

Section 2. That the Clerk of Council is requested to transmit copies of this resolution to President George W. Bush, United States Senator George Voinovich, United States Senator Michael DeWine, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, all other members of the United States Congressional delegation representing the State of Ohio, and Jo Anne B. Barnhart, Commissioner of Social Security.

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

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. 2093-05.**By Council Member Lewis.**

An emergency resolution urging the federal Food and Drug Administration to seek ways to better control counterfeit drug sales in the United States.

Whereas, the business of selling fake prescription drugs is an increasing global industry; and

Whereas, nearly \$39 billion, or 11% of global pharmaceutical commerce will be counterfeit this year; by 2010, this number will double; and

Whereas, many products sold via drug traffickers contain ingredients that could be harmful, and these products come from illegal operations with poor controls; and

Whereas, drugs come into Canada from places such as China, Chile, India, Belize, the Bahamas and Vietnam through a process known as transshipment and most of these drugs are mailed to customers in the

United States from Internet pharmacies in Canada; and

Whereas, although people often save money by purchasing pharmaceuticals via the internet from Canada and other foreign countries, nothing guarantees the safety of drugs exported from these countries; and

Whereas, Canada's national drug agency cannot guard the purity of drugs exports sold from Canada to the United States; and

Whereas, this all poses a grave health risk to citizens of the U.S. who use prescriptions drugs and seek ways to save money on the purchase of such drugs; and

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

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

Section 1. That this Council hereby urges the federal Food and Drug Administration to seek ways to better control counterfeit drug sales in the United States.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to directors of the Food and Drug Administration and Health and Human Services, to Ohio Senators DeWine and Voinovich and all federal Representatives from Ohio.

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

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. 2094-05.

By Council Member Coats.

An emergency resolution opposing Senate Bill 1504 known as the "Broadband Investment and Consumer Choice Act" (S. 1504) and Senate Bill 1349/House Bill 3146 known as the "Video Choice Act" (S. 1349/H.R.3146), and urging Congressional Representatives to refrain from any form of support or co sponsorship of S. 1504, S. 1349 and H.R. 3146 and to vote in opposition to said bills.

Whereas, on August 2, 2005, the Broadband Investment and Consumer Choice Act of 2005 (S. 1504) was introduced in the federal senate; and

Whereas, S. 1504 would preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way; and

Whereas, the City's negotiated contract with its cable operator would be abrogated under the terms of the bill; and

Whereas, S. 1504 would substitute a new compensation methodology on

the parties to the City's existing franchise contract, depriving the City of the agreed-upon bargain by lowering the existing franchise fee and replacing it with a fee which must be justified as being "reasonable" in the eyes of the user, limited to management costs (which denies the rights of the property owner to obtain fair and reasonable compensation for the use of public property for private gain), and not in excess of 5%; and

Whereas, these requirements and restrictions would result in the creation of a subsidy to the cable and telecommunications industries, at the expense of the City's taxpayers; and

Whereas, the bill would further substantially reduce the revenues that are now includable in the definition of "Gross Revenues" so that even if the franchise fee did in fact remain at 5%, the City's revenues from the fee would be significantly less due to the smaller revenue base; and

Whereas, S. 1504 would substantially reduce the amount of capacity which may be required by local governments to meet their public, educational and government ("PEG") access needs, while stripping the City of the ability to obtain capital support for the use of PEG capacity - part of the bargain contained within the City's negotiated franchise agreement - with the result that the community's cable-related needs and interests would not be met; and

Whereas, the bill would deprive local citizens of the ability to address local issues locally, by removing to the state all customer service issues, and further by denying consumers any form of recourse for any actions of a communications provider; and

Whereas, S. 1504 would eliminate any build-out requirements for any video service provider, thereby allowing providers to discriminate based on the wealth of the local neighborhoods they choose to serve; and

Whereas, the bill would preempt any state or local law that is not generally applicable to all businesses, thereby potentially preempting any law applicable to only certain classes of businesses, such as utilities and rights-of-way users (such as requiring undergrounding of facilities and ensuring electric code compliance); and

Whereas, S. 1504 would prohibit the City from imposing any fee for issuance of rights-of-way construction permits yet would require the City to act on requests for permits in a timely manner as determined by the FCC, thereby insinuating inappropriate federal government involvement in the basic day-to-day management of local rights-of-way; and

Whereas, the bill would prohibit municipalities and their utilities from providing communications services without giving a right of first refusal to private industry, and would then grant industry unfettered access to all municipal facilities and financing in the event private industry chooses to provide services; and

Whereas, the bill would deprive the City of the authority to estab-

lish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of the City's business; and

Whereas, S. 1504 would permit broadened preemption of local zoning decisions relating to the placement of cell towers, depriving the City of the authority to ensure that such towers are safely and appropriately located in areas to provide the greatest degree of services without unnecessarily posing a hazard to the public health, safety and welfare; and

Whereas, the bill would eliminate the protection the City currently has against liability for damages and attorneys fees in lawsuits brought by communication service providers against local governments, a type of litigation that the bill would seem to invite service providers to bring; and

Whereas, on June 30, 2005, the "Video Choice Act" (S. 1349/H.R. 3145) was introduced in the federal House and Senate; and

Whereas, S. 1504, S. 1349 and H.R. 3146 would eliminate any build out requirements for video service providers, thereby allowing such providers to pick the most lucrative communities to service and discriminate against neighborhoods based on wealth or race; and

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

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

Section 1. That this Council hereby opposes Senate Bill 1504 known as the "Broadband Investment and Consumer Choice Act" (S. 1504), and S. 1349/H.R. 3146 known as the "Video Choice Act", and urges Congressional Representatives to refrain from any form of support or co-sponsorship of S. 1504, S. 1349/H.R. 3146, and to vote in opposition to said bills.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President of the United States, and to the members of the Ohio Congressional delegation.

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

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. 2096-05.

By Council Member Brady.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3590 Bosworth Road, and repealing Resolution No. 1572-05, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3590 Bosworth Road by Resolution No. 1572-05 adopted by the Council on August 3, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Best Nat Corporation, DBA Bosworth Food Mart, 3590 Bosworth Road, Cleveland, Ohio 44111, Permanent Number 0668900 be and the same is hereby withdrawn and Resolution No. 1572-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 2007-05.

By Council Member Lipovan Holan.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3807-09 Denison Avenue, and repealing Resolution No. 1347-05, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3807-09 Denison Avenue by Resolution No. 1347-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to Libby, Inc., DBA Ivy Tavern, 3807-09 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 5181602 be and the same is hereby withdrawn and Resolution No. 1347-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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 ORDINANCE PASSED

Ord. No. 1642-05.

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

An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into an agreement with the Orlando Baking Company, or an entity controlled by them, providing for the exchange of real properties.

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

1. In Section 2, at the end, add the following legal description:

"P. P. No. 121-33-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 21 in Grether and Palmer Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Northerly side of Woodland Avenue and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways."

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.

LAID ON THE TABLE

Ord. No. 410-05.

By Mayor Campbell.

An emergency ordinance to make additional appropriations of the General Fund as a result of the passage of Ordinance 2-05 and the lease extension authorized in it.

Ord. No. 752-05.

By Mayor Campbell.

An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 38823 with North Point Garage Limited Partnership for the lease and operation of the North Point Garage, terminating November 1, 2104.

Ord. No. 865-05.

By Council Member Cintron.

An emergency ordinance repealing Resolution No. 787-05, adopted April 25, 2005, relating to the employment of Rick Nagin.

Without objection, Ordinance No. 410-05, Ordinance No. 752-05 and Ordinance No. 865-05 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 410-05, Ordinance No. 752-05 and Ordinance No. 865-05 laid on the table.

MOTION

By Council Member Coats, seconded by Council Member Sweeney, and unanimously carried that the absence of Council Members Patricia J. Britt and Matthew Zone, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:28 p.m. to meet Monday, November 21, 2005 at 7:00 p.m. in the Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 9, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 9, 2005, at 10:30 a.m. with Acting Director Horvath presiding.

Present: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.

Absent: Mayor Campbell and Director Carroll.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Ed Nunez, Acting Director, Office of Equal Opportunity.

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

Resolution No. 626-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1141-05, passed by the Council of the City of Cleveland on June 6, 2005, ADT Security Services, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Finance, on behalf of the Cleveland Municipal Court, as the firm to be employed by contract to provide service and maintenance to the CCTV surveillance system at the Clerk of Courts office.

Be it further resolved that the Director of Finance, on behalf of the Cleveland Municipal Court is authorized to enter into contract with ADT Security Services, Inc. based on its proposal dated September 26, 2005, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services and maintenance as described in the proposal for an aggregate fee of \$18,256.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Williams.

Resolution No. 627-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Gene Ptacek & Son Fire Equipment Company, Inc., for an estimated quantity of labor and materials necessary to refill, repair and replace fire extinguishers, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on August 26, 2005, under the authority of Ordinance No. 639-05 passed May 2, 2005, which on the basis of the estimated quantity would amount to \$141,971.10 (Net), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 158529 which shall be certified against the contract in the sum of \$7,098.56.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Williams.

Resolution No. 628-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Co. for an estimated quantity of meters and metering equipment, item nos. 1, 2 and 3, 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 June 17, 2005, under the authority of Section 129.26, Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$91,410.00 (2%, Net 30

Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157709 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell and Directors Carroll and Williams.

Resolution No. 629-05.

By Director Mok.

Whereas, under the authority of Ordinance No. 1124-01, passed by the Council of the City of Cleveland on July 18, 2001, and Board of Control Resolution No. 914-01, adopted December 12, 2001, as amended by Board of Control Resolution No. 921-01, adopted December 19, 2001, the Director of Port Control entered into Contract No. 58952 with Inland Waters of Ohio, Inc. for an estimated quantity of glycol collection at Cleveland Hopkins International Airport at a cost not exceeding \$12,000,000.00; and

Whereas, Ordinance No. 760-05, passed by the Council of the City of Cleveland on May 2, 2005, amended Ordinance No. 1124-01 by increasing the cost which the requirement contract for glycol collection cannot exceed from \$12,000,000.00 to \$17,000,000.00, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 914-01, adopted December 12, 2001, as amended by Resolution No. 921-01, adopted December 19, 2001, is further amended to increase the cost which Contract No. 58952 with Inland Waters of Ohio, Inc. for glycol collection for the Division of Cleveland Hopkins International Airport, Department of Port Control, from \$12,000,000 to \$17,000,000.

Be it further resolved that all other provisions of Resolution No. 914-01, as amended by Resolution No. 921-01, not expressly amended by this resolution shall remain unchanged and in full force and effect.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following sub-contractors by Inland Waters of Ohio, Inc. is approved:

Sub-Contractor	MBE/FBE % Amount
World Waste	MBE .028 % \$ 1,440.00
EC Labs	MBE .06 % \$ 3,026.00
Samsel Supply	FBE .30 % \$15,000.00

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 630-05.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Gardiner Service Company for labor and materials necessary to maintain and repair heating, ventilation and air conditioning systems, all items, for the various divisions of the Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on August 31, 2005, under the authority of Ordinance No. 698-05, passed on May 2, 2005, which on the basis of the estimated quantity would amount to \$254,485.60, is affirmed and approved as the most responsive bid, and the Director of Port Control is requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 158515 which shall be certified against the contract in the sum of \$60,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 631-05.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "A-05-1", for Cleveland Hopkins International Airport, Department of Port Control, received on October 19, 2005, under to the authority of Ordinance Nos. 930-1995, 469-1998 and 327-2000, passed by the Council of the City of Cleveland on June 19, 1995, May 18, 1998 and June 12, 2000, respectively, be and the same are rejected.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 632-05.

By Director Ricchiuto.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Cold Harbor Building Company, for the public improvement of the building improvements for the Glenville Waste Station, base bid alternates A-1 and M-1, for the Department of Public Service, received on October 6, 2005, under the authority of Ordinance No. 2146-03, passed February 9, 2004, for a gross price for the improvement in the aggregate amount of \$657,900, is affirmed and approved as the lowest responsible bid, the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cold Harbor Building Company is approved:

<u>Subcontractor</u> <u>MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Coleman Spohn MBE	\$115,000 17.48%
Minority Electric FBE	\$ 86,000 13.07%
LMR Construction Company, Inc.	\$ 30,000 4.00%
Concrete Maintenance	\$ 17,000 2.00%

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
 Nays: None.
 Absent: Mayor Campbell and Director Carroll.

Resolution No. 633-05.

By Director Ricchiuto.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Fireland Supply Company, for an estimated quantity of Guard Rail Elements, all items, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on September 22, 2005, under the authority of Ordinance No. 765-04, passed May 17, 2004, which on the basis of the estimated quantity would amount to \$57,850.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159994 which shall be certified against such contract in the sum of \$2,995.00. The 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: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
 Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 634-05.

By Director Ricchiuto.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Valk Manufacturing Company for an estimated quantity of plow blades and curb bumpers, (all items), for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the execution of this contract, received on September 22, 2005, under the authority of Ordinance No. 770-04, passed May 17, 2004, which on the basis of the estimated quantity would amount to \$124,500, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159995 which shall be certified against such contract in the sum of \$36,290.00. 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: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
 Nays: None.
 Absent: Mayor Campbell and Director Carroll.

Resolution No. 635-05.

By Director Ricchiuto.
 Resolved, by the Board of Control of the City of Cleveland that all bids received on September 23, 2005 for an estimated quantity of Emulsion & Equipment Service Management, all items, for the Division of Streets, Department of Public Service, under the authority of Ordinance No. 466-05, passed April 25, 2005, are rejected.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.
 Nays: None.
 Absent: Mayor Campbell and Director Carroll.

Resolution No. 636-05.

By Director Rush.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking and Paving Company, Inc. for the public improvement of St. John's Village West — Phase 2 (All Items), for the Division of Neighborhood Development, Department of Community Development, received on October

13, 2005, under the authority of Ordinance No. 1913-01, passed by the Cleveland City Council April 29, 2002, as amended in Ordinance Nos. 1015-02, passed by the Cleveland City Council May 20, 2002, and 2332-02, passed by the Cleveland City Council February 10, 2003, upon a unit basis for the improvement, in the aggregate amount of \$226,930.00, is affirmed and approved as the lowest responsible bid, and the Director of Community Development is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Fabrizi Trucking and Paving Company, Inc. for the above-mentioned public improvement is approved:

- McTech Corp., d.b.a. Tech Ready Mix
5000 Crayton Avenue
Cleveland, Ohio 44101
(MBE) — \$35,000.00 — 15.42%
- Friedel Trucking Company, Inc.
5714 Archmere Avenue
Cleveland, Ohio 44114
(FBE) — \$8,000.00 — 3.53%
- Julian Supply Company
16300 S. Waterloo Road
Cleveland, Ohio 44121
(FBE) — \$4,000.00 — 1.76%

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.
 Absent: Mayor Campbell and Director Carroll.

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, NOVEMBER 28, 2005

9:30 A.M.

Calendar No. 05-332: 2849 East 55th Street (Ward 12)

Joe Immormino, owner, appeals to install approximately 190 linear feet of 6' tall privacy fencing to enclose a 40' x 151' corner parcel, located in a Semi-Industry District on the southeast corner of East 55th Street and Bower Avenue at 2849 East 55th Street; as proposed, the fence installation is contrary to Section 358.03(a), where it is stated that no portion of a fence within 30' of an intersection within two right-of-way street lines shall exceed 2 1/2' in height, unless all portions above the height limit are at least 75% open, and the same restriction applies to any portion of a fence located along or parallel to a driveway within 15' of its intersection with a public sidewalk or public street if there is no sidewalk; and fences in actual front and side street yards shall not exceed a 4' height and above 2' must be at least 50% open, as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 05-333: 3800 Carlyle Avenue (Ward 14)

Arazael Velazquez, owner, appeals to install approximately 70 linear feet of 6' tall privacy fence to enclose the rear yard of a 31' x 80' corner parcel located in a Two-Family District on the northwest corner of Carlyle Avenue and West 38th Street at 3800 Carlyle Avenue; the proposed fence is contrary to Section 358.03(a), that prohibits any portion of a fence within 30' of an intersection within two right-of-way street lines to exceed 2 1/2' in height, unless all portions above the height limit are at least 75% open, and the same restriction applies to any portion of a fence located along or parallel to a driveway within 15' of its intersection with a public sidewalk or public street if no sidewalk is present; and fences in actual front and side street yards shall not exceed a 4' height and above 2' must be at least 50% open, as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 05-334: 2301 Thurman Avenue (Ward 13)

Jeff Eizember, owner, appeals to raise by 4' the height of a roof on an existing two family dwelling, situated on a 30' x 100' parcel located in a Two-Family District on the east side of Thurman Avenue at 2301 Thurman Avenue; contrary to the Regulations for Yards and Courts, no interior side yard is provided where 3' is required and no building shall be erected less than 10' from a main building on an adjacent lot; and an interior side yard width may not be less than 1/4 the height of the main building, or a requirement of 6' according to Section 357.09(2)(b) of the Codified Ordinances.

Calendar No. 05-335: 7202 Union Avenue (Ward 12)

Dwayne Smith, owner, appeals to add a 22' x 26' one-story expansion to a tire shop and include a tire repair service with the existing business that is situated on a 46' x 150' corner lot, located in a General Retail Business District on the southeast corner of Union Avenue and East 72nd Street at 7202 Union Avenue; contrary to Section 343.11, tire repair is first permitted in a Semi-Industry District, Section 345.03(c)(2), provided that it is located at least 100' from a Residence District; and no additional parking is provided where two additional off-street spaces are required, as stated in Section 349.2(g) of the Codified Ordinances.

Calendar No. 05-338: 18501 Neff Road (Ward 11)

Tops Markets, LLC, owner, appeal to install a 4' tall solid wood fence along the northern perimeter of an irregular shaped parcel that faces Shawnee Avenue, located in a Local Retail Business District at the northeast corner of East 185th Street and Neff Road; contrary to the Fence Regulations, a solid wood fence is proposed where a fence in an actual side street yard must be at least 50% open above 2' in height, as stated in Section 358.05(a)(2) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 14, 2005

At the meeting of the Board of Zoning Appeals on Monday, November 14, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-322: 3101 Marvin Avenue

Richard Morgan appealed to erect a two-story barn style garage in the rear yard of a single family dwelling in a Two-Family District.

Calendar No. 05-323: 2105 West 31st Street Place

Anna Revay appealed to use as a parking space a driveway along the side of a dwelling house in a Two-Family District; subject to conditions.

Calendar No. 05-324: 9300 Lorain Avenue

The West Side Community House appealed to building a two-story community center on a corner parcel in split zoning between Local Retail Business and Two-Family Districts.

The following appeal was **Denied:**

Calendar No. 05-331: 15506 Puritas Avenue

Miklos Papp appealed to install 135' of 4' high chain link fence

with a gate along the front and side street property line of a corner parcel in a One-Family District.

The following appeal was **Postponed:**

None.

In Executive Session on November 14, 2005, the following appeals heard by the Board on November 7, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-318: 3101 Clinton Avenue

Louis Makar appealed to erect a 22'-6" one-story, frame garage addition to the rear of an existing single family residence in a Two-Family District.

Calendar No. 05-319: 17800 Parkmount Avenue

The Cuyahoga Metropolitan Housing Authority appealed to install an 8' high wooden fence along the rear property line of Riverside Estates between West 174th Street and Interstate 71 in a B1 Two-Family District.

Calendar No. 05-320: 710 Jefferson Avenue

UGP Properties LLC appealed to change a six story former printing facility to a restaurant and 102 residential apartments in a B1 Two-Family District.

The following appeal was **Denied:**

Calendar No. 05-321: 728 East 131st Street

Cleveland Housing Network LP XXI, appealed to install 66' of 4' high chain link fence in the actual front yard of a corner parcel in a Multi-Family District.

The following appeals were **Dismissed:**

Calendar No. 05-211: 3905 Clinton Avenue

Harsax, Inc., owner, and Rysar Properties, agent, appealed to erect a five unit townhouse structure in a Two-Family District.

Calendar No. 05-314: 1361-95 East 55th Street

VIP East 55th Street, Inc. appealed to use existing buildings and land on an irregular shaped 224' x 305' corner parcel for interior and exterior storage of building materials in split zoning for General Retail Business and Two-Family Districts.

Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, December 5, 2005
9:00 A.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, December 5, 2005, at 9:00 A.M., to consider the following ordinances now pending in the Council:

Ord. No. 1657-05.

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

Ord. No. 1839-05.

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

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

Joseph C. Cimperman
Chairman
Committee on City Planning

November 16, 2005 and November 23, 2005

CITY OF CLEVELAND BIDS**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE

Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, NOVEMBER 23, 2005

Purchases and Supplies Office Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 835-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 17, 2005 AT 10:00 A.M., DIVISION OF ARCHITECTURE, 601 LAKESIDE AVENUE, ROOM 517, CLEVELAND, OHIO 44114.

November 9, 2005 and November 16, 2005

WEDNESDAY, NOVEMBER 30, 2005

Emergency Medical Care Bodies, for the use of Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, NOVEMBER 22, 2005 AT 2:30 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Pole Trailers (Dinkeys), for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, NOVEMBER 22, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

November 9, 2005 and November 16, 2005

FRIDAY, DECEMBER 2, 2005

Snow and Ice Removal, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2009-04, passed by the Council of the

City of Cleveland, November 22, 2004.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, NOVEMBER 25, 2005 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

Fire and Extended Insurance Coverage, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 892-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A MANDATORY PRE-BID MEETING, TUESDAY, NOVEMBER 22, 2005 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

HVAC/R Supplies and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 839-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 18, 2005 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 44105.

November 9, 2005 and November 16, 2005

WEDNESDAY, DECEMBER 7, 2005

Aerial Boom Lift, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, NOVEMBER 29, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Software to Support MITIS System, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 2213-96, passed by the Council of the City of Cleveland, January 13, 1997.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 1, 2005 AT 10:00 A.M., 205 W. SAINT CLAIR AVENUE, 3RD FLOOR, CLEVELAND, OHIO 44114.

November 16, 2005 and November 23, 2005

FRIDAY, DECEMBER 9, 2005

Team Room Building and Parking Collinwood Athletic Complex, for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 2151-03 and 2365-04, passed by the Council of the City of Cleveland, December 15, 2003 and January 24, 2005, respectively.

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

THERE WILL BE A **NON-MAN-DATORY PRE-BID** MEETING FRIDAY, DECEMBER 2, 2005 AT 2:00 P.M., DIVISION OF ARCHITECTURE, CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners, Including Appurtenances (Vactors) (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MAN-DATORY PRE-BID** MEETING, TUESDAY, NOVEMBER 29, 2005 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

Maintenance, Repair, and Replacement of High-Voltage Oil Static Pipe Type Cable and Related Equipment (Re-Bid), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1014-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **NON-MAN-DATORY PRE-BID** MEETING, FRIDAY, DECEMBER 2, 2005 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 16, 2005 and November 23, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

**Monday, November 14, 2005
2:00 p.m.**

Finance Committee: Present: Sweeney, Vice Chair; Reed, Brady, Cimperman, Westbrook, Coats, White, Pierce Scott. *Authorized Absence:* Jackson, Chair; Britt, Conwell.

**Tuesday, November 15, 2005
9:30 a.m.**

Community and Economic Development Committee: Present: Pierce Scott, Chair; Coats, Brady, Lewis, Reed, Westbrook. *Authorized Absence:* Cimperman, Vice Chair; Cintron, Zone.

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