

The City Record

Official Publication of the Council of the City of Cleveland



November the Twenty-Fourth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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Containing	PAGE
City Council	3
The Calendar	20
Board of Control	20
Civil Service	23
Board of Zoning Appeals	23
Board of Building Standards and Building Appeals	24
Public Notice	25
Public Hearings	25
City of Cleveland Bids	25
Adopted Resolutions and Ordinances	26
Committee Meetings	34
Index	35

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, NOVEMBER 24, 2004

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CITY COUNCIL

MONDAY, NOVEMBER 22, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 22, 2004

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

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

Also present were Mayor Campbell, Chief Operating Officer Brown, Chief of Staff Janik, Directors Chandra, Baker, Ricchiuto, Carroll, Watson, N. Ronayne, Rush, Williams, Routen, Huth, Fumich, Johnson, and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Father John Loejos of St. E. Premte Orthodox Church. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2263-04

Re: Transfer of Ownership Application — 75629620005 — 2814 Detroit Avenue, d.b.a. Union Station Video Café. (Ward 13). Received.

File No. 2264-04.

Re: Transfer of Ownership Application — 4183623 — 2120 East 4th Street, d.b.a. Harry Buffalo. (Ward 13). Received.

File No. 2265-04.

Re: Transfer of Ownership Application — 46208721 — 2145 Broadview Road, first floor and basement, d.b.a. Sally Ann's. (Ward 15). Received.

STATEMENT OF WORK ACCEPTED

File No. 2266-04.

From the Department of Public Service — Contract No. 62731 — Fire Tower and Fire Academy HVAC Replacement Project — accepted October 13, 2004. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2267-04 — Robert Henry Mell.

Res. No. 2268-04 — Alice Eleanor Ashford.

Res. No. 2269-04 — Raymond Allen.

CONGRATULATION RESOLUTIONS

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

Res. No. 2270-04 — Annie Smith.

Res. No. 2271-04 — Lutheran Chaplaincy Service.

Res. No. 2272-04 — Cleveland Women's Council of the National Association of Real Estate Brokers.

RECOGNITION RESOLUTIONS

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

Res. No. 2273-04 — Constance Harper.

Res. No. 2274-04 — Michael A. House.

Res. No. 2275-04—Michael L. Nelson.

Res. No. 2276-04—John H. Lenear.
Res. No. 2277-04—Paula D. Morrison.

Res. No. 2278-04 — Ellen Flynn Hamilton Miles.

WELCOME RESOLUTION

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

Res. No. 2279-04 — Rexhep Qemal Meidani.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2200-04.
By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a temporary public right-of-way occupancy permit for an outdoor restaurant to the House of Blues Cleveland, LLC, located at 308 Euclid Avenue, for a period of one year.

Whereas, Chapter 513 of the Codified Ordinances of Cleveland, Ohio, 1976, enacted by Ordinance No. 2393-02, passed February 3, 2003, regulates the issuance of temporary public right-of-way occupancy permits for outdoor restaurants in the City of Cleveland; and

Whereas, Section 513.04 of that Chapter limits the permit term to an eight-month period; and

Whereas, the House of Blues Cleveland, LLC wishes to operate an outdoor restaurant at its establishment which will be located at 308 Euclid Avenue; and

Whereas, the House of Blues Cleveland, LLC has requested an exception to the requirements of Section 513.04, and desires a one-year outdoor restaurant permit; and

Whereas, this Council has determined that waiving the eight-month limitation set forth in Section 513.04 of the codified ordinances for the House of Blues Cleveland, LLC would be beneficial for the City of Cleveland and its citizens by providing year-round downtown entertainment and creating increased revenue for the City; 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 the provisions of Chapter 513 of the Codified Ordinances of Cleveland or any codified ordinance to the contrary, the Director of Public Service is authorized to issue a temporary public right-of-way occupancy permit to the House of Blues Cleveland, LLC for a period of one year beginning December 1, 2004, to operate an outdoor restaurant located at 308 Euclid Avenue.

Section 2. That the permit may be renewed as provided in Chapter 513 on an annual basis for year-long terms beginning December 1st and ending November 31st.

Section 3. The permit authorized above shall be subject to all other requirements and conditions of Chapter 513.

Section 4. That the permit shall be prepared by the Director of Law and shall contain any additional provisions that the he deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2235-04.
By Council Member Jackson (by departmental request).

An emergency ordinance to amend Section 5 of Ordinance No. 2136-03, passed February 9, 2004, relating to professional services to study, assess, market, and sell corporate sponsorships for City facilities and assets.

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

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

Section 1. That Section 5 of Ordinance No. 2136-03, passed February 9, 2004, is amended to read as follows:

Section 5. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is authorized to enter into one or more amendments to City Contract No. 56140 ("Concession Agreement") between the City of Cleveland and Lum's Vending and Food Service, Inc. and Cleveland Coca-Cola Bottling Company, Inc., a Joint Venture, to extend the term of the Concession Agreement until the earlier of: (a) the City enters into a corporate sponsorship agreement for soft drinks, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings, or (b) the City enters a new concession agreement for soft drinks, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings under the authority of Ordinance No. 39-03, passed May 12, 2003; or (c) until December 31, 2005.

Section 2. That Section 5 of Ordinance No. 2136-03, passed February 9, 2004, is repealed.

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

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

Ord. No. 2236-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 53694 with Parsons Infrastructure and Technology Group, Inc. for program management, engineering and construction management services for the completion of the Airport Expansion Program, for the Division of Cleveland Hopkins International Airport, 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into an amendment to Contract No. 53694 with Parsons Infrastructure and Technology Group, Inc. ("Parsons") for program management, engineering and construction management services for the completion of the Airport Expansion Program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of the amendment shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract, Request No. 150563.

Section 3. That the amendment authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2237-04.
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 approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of 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 129201)

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. 2240-04.

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

An emergency ordinance authorizing the Director of Public Health to lease property known as 23860 Miles Road, Unit K, from Corwall Company for a term not to exceed five months, for the public purpose of leasing space for the purpose of occupying garage and office space to store and maintain vehicles for the operation of the Cleveland House of Corrections.

Whereas, the City of Cleveland requires certain space located at 23860 Miles Road, Unit K, Bedford

Heights, Ohio, for the public purpose of leasing garage and office space to store and maintain vehicles for the operation of the Cleveland House of Corrections; and

Whereas, Corwall Company has proposed to lease the space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Corwall Company certain space more fully described as follows: approximately 4,000 square feet of garage space located at 23860 Miles Avenue, Unit K ("Premises").

Section 2. That the term of the lease shall not exceed five months beginning December 1, 2004.

Section 3. That the rent for the lease shall be a base rate of \$2,446.67 per month, including utilities. The total lease shall not exceed \$12,233.35. The City shall pay a security deposit of one-month rent at \$2,446.67.

Section 4. That the lease may authorize the City to make improvements to the lease premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund No. 01-500302-636000, Request No. 149715.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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 Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 2241-04.

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

An emergency ordinance authorizing the Director of Public Health to lease certain property to Neighborhood Health Care Inc. dba Neighborhood Family Practice, for a term

of five years to provide medical services and clinical physician services at the Tremont Health Center.

Whereas, the City of Cleveland owns certain property known as the Tremont Health Center; and

Whereas, Neighborhood Health Care Inc. dba Neighborhood Family Practice has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease to Neighborhood Health Care Inc. dba Neighborhood Family Practice ("Lessees"), approximately 6,016.25 total square feet of certain office and meeting space located on the first floor, part of the second floor, and the basement of the Tremont Health Center for the public purpose of providing medical services and clinical physician services for the term of the lease. The medical and clinical physician services, include but are not limited to, comprehensive maternal services, infant and pediatric services, primary adult health care services, mammograms, discount medication, lab tests, and individual and group health education.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years, beginning January 1, 2005, with option to renew for an additional five-year period.

Section 3. That the property described above shall be leased at fair market value.

Section 4. That the lease may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials, and to authorize the Lessees to contribute a share of the operating costs at the facility, including but not limited to utilities, cleaning services, snow removal, pest control, and security.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Public Health, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 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 Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 2242-04.
By Council Members Cimperman, Britt, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease certain property to the Cleveland Metropolitan Housing Authority, for a term of two years for the purpose of their Community and Supportive Services Program for the Valleyview Homes HOPE VI project.

Whereas, the City of Cleveland owns certain property known as the Tremont Health Center; and

Whereas, the Cleveland Metropolitan Housing Authority has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease to Cleveland Metropolitan Housing Authority ("Lessees"), approximately 568.75 square feet of certain office and meeting space on the second floor of the Tremont Health Center for the public purpose of implementing Lessees' Community and Supportive Services Program for the Valleyview Homes HOPE VI project for the term of the lease.

Section 2. That the term of the lease authorized by this ordinance shall not exceed two years, beginning January 1, 2005, with option to renew for an additional two-year period.

Section 3. That the property described above shall be leased at fair market value.

Section 4. That the lease may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials, and to authorize the Lessees to contribute a share of the operating costs at the facility, including but not limited to utilities, cleaning services, snow removal, pest control, and security.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Public Health, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 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 Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 2243-04.
By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 2005 Solid Waste Disposal Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$92,314, and other such funds as they may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 2005 Solid Waste Disposal Program, for the purposes in the award letter and summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the award letter and summary for the grant.

Section 2. That the award letter and summary for the grant, 2243-04-A made a part as if fully rewritten herein, is approved in all respects.

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

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

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

Ord. No. 2244-04.
By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2005 Immunization Action Plan Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$115,209, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2005 Immunization Action Plan Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2244-04-A, made a part as if fully rewritten herein, is approved in all respects.

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

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

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

Ord. No. 2245-04.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 2005 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for the Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the approximate amount of \$250,000.00, from the Ohio Department of Education, to conduct the 2005 Summer Food Program for the purposes described in the program description; that the Director of Parks, Recreation and Properties is authorized to file all papers and execute all documents necessary to receive the funds under the grant, and that the funds are appropriated for the purposes described in the program description for the grant.

Section 2. That the program description for the grant, File No. 2245-04-A, made a part hereof as if fully rewritten is approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three months (June, July and August, 2005) for the breakfast, lunch and snack program to be served at nineteen City recreation centers and various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

Section 4. The cost of the contract or contracts shall be charged against the proper appropriation account, and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Parks, Recreation and Properties is authorized to make one or more written contracts with the following agencies and any additional agencies as determined by the Director for implementation of the 2005 Summer Food Program:

Broken Pies Fellowship Church
Emile deSauze
R.G. Jones
Westtown Community Center
2nd Calvary Baptist Church

Section 6. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted by this ordinance.

Section 7. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

Section 8. The cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 9. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

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

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

Ord. No. 2246-04.
By Council Members Johnson and Jackson (by departmental request).
An emergency ordinance to amend the agreement with Neighborhood Leadership Institute, entered into under Ordinance No. 331-04, passed May 17, 2004, as amended, relating to implementing educational, recreational, and cultural programs in various school buildings during evening hours.

Whereas, under Ordinance No. 331-04, passed May 17, 2004, + as amended by Ordinance No. 1275-04, passed August 11, 2004, this Council authorized an agreement between the City of Cleveland and Neighborhood Leadership Institute to provide educational, recreational, and cultural programs in various school buildings during evening hours; and

Whereas, additional services are desired; and

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

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

Section 1. That the agreement between the City of Cleveland and Neighborhood Leadership Institute, in the amount of \$214,411, entered into under Ordinance No. 331-04, passed May 17, 2004, as amended by Ordinance No. 1275-04, passed August 11, 2004, is amended to increase the amount of the contract by \$29,298.00, for a total of \$243,709, payable from Fund No. 01-700401-638000, Request No. 136861.

Section 2. That the amendment shall be prepared by the Director of Law and shall contain any necessary provisions that the director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2247-04.
By Council Members Britt, Johnson, Cimperman, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with Case Western Reserve University for improvements to portions of the Tony Brush Field.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with Case Western Reserve University ("Case") for portions of the Tony Brush Field for use by their softball team. Case may make improvements to the adopted

property, which improvements shall be maintained during the term of the property adoption.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the Director of Parks, Recreation and Properties is authorized to accept the gift of any improvements and maintenance made to the adopted property.

Section 4. That the property adoption agreement shall be prepared by the Director of Law and shall contain any additional terms and conditions that the director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 2248-04.
By Council Members Brady, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with The Kemper Company to provide economic development assistance to partially finance improvements to the property located at 10307 Detroit 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 The Kemper Company to provide economic development assistance to partially finance improvements to the property located at 10307 Detroit Avenue, and all other associated 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. 2248-04-A.

Section 3. That the costs of the contract shall not exceed One Hundred Fifty Thousand Dollars (\$150,000), and shall be paid from Fund No. 12 SF 954, which funds are appropriated for this purpose, Request No. 103631.

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. 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 006, 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 and shall contain any additional terms and conditions that the Director of Law and the Director of Economic Development deem necessary and appropriate to protect and benefit the public interest.

Section 8. 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. 2249-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland provided such violation may result in incarceration, for the Cleveland Municipal Court for a period of one year, with one option to renew for an additional one-year period.

Whereas, in *Argersinger v. Hamlin and Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is obligated to provide an indigent defendant appointed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, under Section 120.14 of the Revised Code, a county commission which has organized a county public defender commission may contract with any municipal corporation within the County served by the county public defender to provide legal representation on behalf of the municipal corporation; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that indigent defense should be provided by the Cuyahoga County Public Defender Commission; and

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided the violation may result in incarceration, for a period of one year beginning January 1, 2005, at an estimated cost of \$1,400,000, with one option to renew for an additional one-year period, payable from the fund or funds appropriated for this purpose in budget year 2005, Request No. 150414.

Section 2. That two percent (2%) of any payment received by the City and/or Cleveland Municipal Court from the financing of defense counsel for indigent persons shall be utilized by participants in a court exchange program between Cleveland Municipal Court and the Cleveland Municipal School District.

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

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

Ord. No. 2250-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court to enter into contracts with Court Community Service for professional services necessary to place criminal defendants in community service, and for placement in the Cleveland Work Crew Program, both as referred by the Court, each for a period of one year, with a one year option to renew, for the Cleveland Municipal Court.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with Court Community Service for professional services necessary to arrange community service for persons the Court refers for a period of one year, commencing January 1, 2005, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable on thirty days' written notice by the director. The cost of the contract shall not exceed \$207,000, and if the option is exercised, the cost for the optional year shall not exceed \$214,000.

Section 2. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with Court Community Service for professional services necessary to arrange community service for persons the Court refers in the Cleveland Work Crew Program for a period of one year, commencing January 1, 2005, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable on thirty days' written notice

by the director. The cost of the contract shall not exceed \$119,500.00, and if the option is exercised, the cost for the optional year shall not exceed \$123,500.00.

Section 3. The cost of the contracts shall be paid from Fund No. 01-011501-632000, Request Nos. 150415.

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

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

Ord. No. 2252-04.

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

An emergency ordinance authorizing the Director of Public Health to lease space at property located at 9111 and 9119 Miles Avenue from Dominic Festa, or his designee, for a one-year period, with a one-year option to renew, for the public purpose of vehicle-storage parking for the Division of Air Quality, Department of Public Health.

Whereas, the City of Cleveland requires certain space located at 9111 and 9119 Miles Avenue for the public purpose of leasing space for vehicle-storage parking for the Division of Air Quality; and

Whereas, Dominic Festa, or his designee, has proposed to lease the space to the City of Cleveland; 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 183 and in accordance with Section 183.01 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Dominic Festa, or its designee, approximately 9,000 square feet of space located at 9111 and 9119 Miles necessary to store approximately 50 vehicles.

Section 2. That the term of the lease authorized shall be for a one-year period, with one option to renew for an additional one-year period, cancelable on written notice by the Director of Public Health. The renewal shall be in the amount of \$11,000 or less.

Section 3. That the rent for the lease term authorized shall be \$11,000, plus allocable utility, operating and maintenance costs.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties with the public purpose or purpose of leasing approximately 50 parking spaces necessary to store vehicles for the Division of Air Quality.

Section 5. That the cost of the lease shall be paid from Fund No. 13 SF 146, Request No. 149714.

Section 6. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 7. That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute other doc-

uments and certificates, and take other actions that may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

Ord. No. 2253-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Prince Avenue to Parenthia Flonnoy.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-04-002, as more fully described below, to Parenthia Flonnoy.

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

P. P. No. 136-04-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 176 in the Re-Survey of Leo W. Sapp's Allotment of part of Original One Hundred Acre Lots Nos. 457 and 458 as shown by the recorded plat in Volume 12 of Maps, Page 25 of Cuyahoga County Records and being 40 feet front on the Southerly side of Prince Avenue, S.E., and extending back 173.39 feet on the Westerly line, 173.37 feet on the Easterly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 2254-04.

By Council Member O'Malley.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 47th and West 49th Streets to Cleveland Housing Network, Inc. or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-22-055 and 016-22-141, as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 016-22-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 46, bounded and described as follows:

Beginning at the intersection of the Westerly line of West 47th Street, S.W. (formerly Dupont Street) with the Southerly line of Carlos Avenue, S.W. (formerly Carlos Street); then

Westerly along the Southerly line of Carlos Avenue S.W., 125.12 feet to the Westerly line of land conveyed to Arthur G. and Anna Storer to William H. Heil by deed recorded in Volume 928, Page 10 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to said William H. Heil 32.81 feet; thence Easterly 125.11 feet to a point in the Westerly line of West 47th Street, S.W., 33.19 feet Southerly from the place of beginning; thence Northerly along the Westerly line of West 47th Street, S.W. 33.19 feet to the place of beginning, and further known as being Sublot No. 22 in William H. Heil's proposed Allotment of part of Original Brooklyn Township Lot No. 46, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 016-22-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 149 and the Easterly 7 feet of West 50th Place (14 feet wide) now vacated, in the Joseph Storer Subdivision of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 12 of Maps, Page 50 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 49th Street, and extending back of equal width, 140.12 feet deep on the Northerly line, 139.35 feet deep on the Southerly line, and 40.01 feet wide in the rear as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 2255-04.**By Council Member Jackson (by departmental request).****An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 2005 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2005.**

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; and

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

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

Section 1. That to provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2005, until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2005, there is appropriated for the period from January 1, 2005 until the effective date of the Annual Appropriation Ordinance the sum of Five Hundred Twelve Million Five Hundred Sixty-Seven Thousand and Six Hundred Thirty Three Dollars (\$512,567,633) out of taxes due the City of Cleveland and any other revenues accrued or occurring during the period of time and the funds are appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH		
Council and Clerk of Council		\$ 2,231,684
I Personnel and Related Expenses	\$ 1,710,516	
II Other Expenses	\$ 521,168	
TOTAL LEGISLATIVE BRANCH		\$ 2,231,684
JUDICIAL BRANCH		
Judicial Division		\$ 7,181,365
I Personnel and Related Expenses	\$ 5,134,493	
II Other Expenses	\$ 2,046,872	
Housing Division		\$ 788,103
I Personnel and Related Expenses	\$ 730,833	
II Other Expenses	\$ 57,270	
Clerks Division		\$ 3,008,673
I Personnel and Related Expenses	\$ 2,239,731	
II Other Expenses	\$ 768,942	
TOTAL JUDICIAL BRANCH		\$ 10,978,141
EXECUTIVE BRANCH		
Office of the Mayor		\$ 703,012
I Personnel and Related Expenses	\$ 588,230	
II Other Expenses	\$ 114,782	
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		\$ 793,702
I Personnel and Related Expenses	\$ 659,726	
II Other Expenses	\$ 133,976	
Division of Police		\$ 48,372,988
I Personnel and Related Expenses	\$43,710,329	
II Other Expenses	\$ 4,662,659	
Division of Fire		\$ 22,882,646
I Personnel and Related Expenses	\$21,612,040	
II Other Expenses	\$ 1,270,606	
Emergency Medical Services		\$ 6,191,554
I Personnel and Related Expenses	\$ 5,470,035	
II Other Expenses	\$ 721,519	
Division of Dog Pound		\$ 262,803
I Personnel and Related Expenses	\$ 201,341	
II Other Expenses	\$ 61,462	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$ 78,503,693

Community Relations Board		\$	293,150
I Personnel and Related Expenses	\$	254,653	
II Other Expenses	\$	38,497	
Department of Consumer Affairs		\$	92,626
I Personnel and Related Expenses	\$	65,067	
II Other Expenses	\$	27,559	
DEPARTMENT OF PUBLIC SERVICE			
Public Service Administration		\$	147,228
I Personnel and Related Expenses	\$	141,125	
II Other Expenses	\$	6,103	
Division of Architecture		\$	195,994
I Personnel and Related Expenses	\$	180,674	
II Other Expenses	\$	15,320	
Waste Collection and Disposal		\$	8,303,148
I Personnel and Related Expenses	\$	3,898,762	
II Other Expenses	\$	4,404,386	
Engineering and Construction		\$	1,401,302
I Personnel and Related Expenses	\$	1,244,619	
II Other Expenses	\$	156,683	
Division of Traffic Engineering		\$	1,432,960
I Personnel and Related Expenses	\$	886,253	
II Other Expenses	\$	546,707	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$	11,480,632
DEPARTMENT OF PARKS, RECREATION & PROPERTIES			
Parks, Recreation and Properties Admin.		\$	240,443
I Personnel and Related Expenses	\$	177,034	
II Other Expenses	\$	63,409	
Research, Planning and Development		\$	248,644
I Personnel and Related Expenses	\$	214,204	
II Other Expenses	\$	34,440	
Division of Recreation		\$	4,402,453
I Personnel and Related Expenses	\$	2,533,943	
II Other Expenses	\$	1,868,510	
Parking Facilities - On Street		\$	383,080
I Personnel and Related Expenses	\$	364,710	
II Other Expenses	\$	18,370	
Division of Property Management		\$	3,224,722
I Personnel and Related Expenses	\$	1,919,494	
II Other Expenses	\$	1,305,228	
Park Maintenance and Properties		\$	5,795,453
I Personnel and Related Expenses	\$	2,734,652	
II Other Expenses	\$	3,060,801	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES		\$	14,294,795
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Division of Administrative Services		\$	822,111
I Personnel and Related Expenses	\$	717,111	
II Other Expenses	\$	105,000	
Director's Office		\$	192,273
I Personnel and Related Expenses	\$	192,273	
II Other Expenses	\$	-	

Division of Neighborhood Development		\$ 938,157
I Personnel and Related Expenses	\$ 738,157	
II Other Expenses	\$ 200,000	
Division of Neighborhood Services		\$ 387,128
I Personnel and Related Expenses	\$ 387,128	
TOTAL COMMUNITY DEVELOPMENT		\$ 2,339,669
DEPARTMENT OF BUILDING AND HOUSING		
Director's Office		\$ 730,229
I Personnel and Related Expenses	\$ 539,087	
II Other Expenses	\$ 191,142	
Division of Code Enforcement		\$ 2,252,103
I Personnel and Related Expenses	\$ 2,163,520	
II Other Expenses	\$ 88,583	
Division of Construction Permitting		\$ 441,487
I Personnel and Related Expenses	\$ 432,807	
II Other Expenses	\$ 8,680	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		\$ 3,423,819
Landmarks Commission		\$ 47,997
I Personnel and Related Expenses	\$ 45,082	
II Other Expenses	\$ 2,915	
Board of Building Standards & Appeals		\$ 30,980
I Personnel and Related Expenses	\$ 26,264	
II Other Expenses	\$ 4,716	
Board of Zoning Appeals		\$ 62,268
I Personnel and Related Expenses	\$ 55,830	
II Other Expenses	\$ 6,438	
Economic Development		\$ 321,827
I Personnel and Related Expenses	\$ 297,146	
II Other Expenses	\$ 24,681	
Office of Equal Opportunity		\$ 242,973
I Personnel and Related Expenses	\$ 218,840	
II Other Expenses	\$ 24,133	
City Planning Commission		\$ 450,739
I Personnel and Related Expenses	\$ 418,347	
II Other Expenses	\$ 32,392	
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		\$ 243,175
I Personnel and Related Expenses	\$ 204,434	
II Other Expenses	\$ 38,741	
Division of Corrections		\$ 2,414,271
I Personnel and Related Expenses	\$ 1,610,540	
II Other Expenses	\$ 803,731	
Division of Health		\$ 1,143,380
I Personnel and Related Expenses	\$ 724,316	
II Other Expenses	\$ 419,064	
Division of the Environment		\$ 411,258
I Personnel and Related Expenses	\$ 291,508	
II Other Expenses	\$ 119,750	
Division of Air Quality		\$ 343,821
I Personnel and Related Expenses	\$ 33,628	
II Other Expenses	\$ 310,193	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$ 4,555,905

Department of Aging		\$ 150,854
Personnel and Related Expenses	\$ 120,753	
II Other Expenses	\$ 30,101	
DEPARTMENT OF FINANCE		
Finance Administration		\$ 309,541
I Personnel and Related Expenses	\$ 288,150	
II Other Expenses	\$ 21,391	
Division of Accounts		\$ 569,783
I Personnel and Related Expenses	\$ 309,934	
II Other Expenses	\$ 259,849	
Division of Assessments & Licenses		\$ 454,669
I Personnel and Related Expenses	\$ 373,632	
II Other Expenses	\$ 81,037	
Division of Treasury		\$ 212,622
I Personnel and Related Expenses	\$ 187,414	
II Other Expenses	\$ 25,208	
Division of Purchases and Supplies		\$ 179,721
I Personnel and Related Expenses	\$ 132,164	
II Other Expenses	\$ 47,557	
Bureau of Internal Audit		\$ 268,100
I Personnel and Related Expenses	\$ 156,267	
II Other Expenses	\$ 111,833	
Financial Reporting & Control		\$ 394,405
I Personnel and Related Expenses	\$ 311,043	
II Other Expenses	\$ 83,362	
Information Systems Services		\$ 1,007,431
I Personnel and Related Expenses	\$ 582,790	
II Other Expenses	\$ 424,641	
Information Tech and Planning		\$ 81,036
I Personnel and Related Expenses	\$ 77,946	
II Other Expenses	\$ 3,090	
TOTAL DEPARTMENT OF FINANCE		\$ 3,477,308
Office of Budget & Management		\$ 175,398
I Personnel and Related Expenses	\$ 166,305	
II Other Expenses	\$ 9,094	
Law		\$ 3,163,852
I Personnel and Related Expenses	\$ 1,709,185	
II Other Expenses	\$ 1,454,667	
Office of Personnel		\$ 737,826
I Personnel and Related Expenses	\$ 359,154	
II Other Expenses	\$ 378,672	
Civil Service Commission		\$ 231,453
I Personnel and Related Expenses	\$ 165,701	
II Other Expenses	\$ 65,752	
Non-Departmental Other Administrative		\$ 10,316,249
II Other Expenses	\$10,316,249	
Transfers to Other Funds		\$ 16,735,660
II Other Expenses	\$16,735,660	
Total Nondepartmental		\$ 27,051,909
TOTAL EXECUTIVE BRANCH		\$151,832,686
TOTAL GENERAL FUND		\$165,042,511

SPECIAL REVENUE FUND

Restricted Income Tax		\$ 32,000,000
I Capital	\$ 9,500,000	
II Debt Service	\$22,500,000	
Street Construction, Maintenance & Repair		\$ 10,494,081
I Personnel and Related Expenses	\$ 4,702,460	
II Other Expenses	\$ 5,791,621	
Schools Recreation & Cultural Activities Fund		\$ 2,000,000
II Other Expenses	\$ 2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$ 44,494,081

INTERNAL SERVICE FUND

ISS - Telecommunications		\$ 4,971,658
I Personnel and Related Expenses	\$ 280,675	
II Other Expenses	\$ 4,690,983	
Motor Vehicle Maintenance		\$ 5,361,489
I Personnel and Related Expenses	\$ 1,741,181	
II Other Expenses	\$ 3,620,308	
Printing and Reproduction		\$ 511,083
I Personnel and Related Expenses	\$ 216,874	
II Other Expenses	\$ 294,209	
City Storeroom		\$ 376,044
I Personnel and Related Expenses	\$ 24,217	
II Other Expenses	\$ 351,827	
TOTAL INTERNAL SERVICE FUNDS		\$ 11,220,274

ENTERPRISE FUNDS

Department of Public Utilities		
Utilities Administration		\$ 581,193
I Personnel and Related Expenses	\$ 371,791	
II Other Expenses	\$ 209,402	
Radio		\$ 1,952,638
I Personnel and Related Expenses	\$ 41,729	
II Other Expenses	\$ 1,910,909	
Division of Fiscal Control		\$ 806,096
I Personnel and Related Expenses	\$ 747,038	
II Other Expenses	\$ 59,058	
Division of Water		\$108,053,840
I Personnel and Related Expenses	\$21,419,630	
II Other Expenses	\$86,634,210	
Division of Water Pollution Control		\$ 11,689,560
I Personnel and Related Expenses	\$ 2,911,386	
II Other Expenses	\$ 8,778,174	
Division of Cleveland Public Power		\$ 79,314,550
I Personnel and Related Expenses	\$ 8,059,270	
II Other Expenses	\$71,255,280	
TOTAL PUBLIC UTILITIES		\$202,397,877
DEPARTMENT OF PORT CONTROL		
Airports - Operations		\$ 57,654,464
I Personnel and Related Expenses	\$ 6,634,538	
II Other Expenses	\$51,019,926	
TOTAL DEPARTMENT OF PORT CONTROL		\$ 57,654,464

DEPARTMENT OF PARKS, RECREATION & PROPERTIES		
Division of Cemeteries		\$ 728,686
I Personnel and Related Expenses	\$ 506,893	
II Other Expenses	\$ 221,793	
Golf Courses Fund		\$ 1,213,856
I Personnel and Related Expenses	\$ 426,747	
II Other Expenses	\$ 787,109	
Parking Facilities - Off Street		\$ 4,125,684
I Personnel and Related Expenses	\$ 428,029	
II Other Expenses	\$ 3,697,655	
Convention Center		\$ 2,232,816
I Personnel and Related Expenses	\$ 1,073,399	
II Other Expenses	\$ 1,159,417	
West Side Market		\$ 478,301
I Personnel and Related Expenses	\$ 183,876	
II Other Expenses	\$ 294,425	
Stadium		\$ 9,663,846
II Other Expenses	\$ 9,663,846	
Property Management - East Side Market		\$ 26,716
I Personnel and Related Expenses	\$ 17,538	
II Other Expenses	\$ 9,178	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES		\$ 18,469,905
TOTAL ENTERPRISE FUNDS		\$278,522,246
AGENCY FUND		
Central Collection Agency		\$ 3,026,087
I Personnel and Related Expenses	\$ 1,749,790	
II Other Expenses	\$ 1,276,297	
TOTAL AGENCY FUNDS		\$ 3,026,087
DEBT SERVICE FUNDS		
Sinking Fund Commission		\$ 10,262,434
I Personnel and Related Expenses	\$ 43,141	
II Other Expenses	\$ 219,293	
III Debt Service	\$10,000,000	
TOTAL DEBT SERVICE FUNDS		\$ 10,262,434
TOTAL ALL FUNDS		\$512,567,633

Section 2. That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2005, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2005.

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

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

Ord. No. 2256-04.

By Council Members White, Johnson, Cimperman, and Jackson.

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to accept from the YMCA of Greater Cleveland a donation of real property and improvements known as the Miles Ave. Family YMCA in the City's Union Miles neighborhood; authorizing the Director to enter into a lease agreement with the Union Miles Development Corporation to lease a portion of the donated property; and authorizing a donation agreement between the City and the YMCA of Greater Cleveland.

Whereas, the YMCA of Greater Cleveland ("YMCA") has indicated a desire to make a donation of the real property and improvements known as the Miles Ave. Family YMCA, located at 11300 Miles Avenue; and

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

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

Section 1. That the Director of the Department of Parks, Recreation, and Properties (the "Director") is authorized to accept from the YMCA of Greater Cleveland a donation of real property and improvements known as the Miles Ave. Family YMCA, and

located at 11300 Miles Avenue.

Section 2. That the Director is authorized to enter into an agreement with the YMCA containing the terms of the donation; the agreement shall be substantially in the form contained in File No. 2256-04-A. The agreement shall be prepared by the Director of Law and shall contain any additional provisions that will protect and benefit the City of Cleveland.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director is authorized to lease to Union Miles Development Corporation ("Lessees"), a certain portion of the donated property which is suitable for lease and operation by another party for the public purpose of continuing the operation of the Head Start Center at the location for the term of the lease. The leased premises will be located within a portion of the first floor of the YMCA, is approximately 3,600 square feet of space, and is more fully described in the map placed in the file mentioned above.

Section 4. That the term of the lease authorized by this ordinance shall not exceed five years, with five one-year options to renew, exercisable by the Director of Parks, Recreation and Properties, and cancelable on thirty days written notice by the Director. The lease agreement shall be substantially in the form contained in file mentioned above.

Section 5. That the property described above shall be leased at fair market value determined by the Board of Control.

Section 6. That the lease may authorize the Lessees to make improvements to the leased premises

subject to the approval of appropriate City agencies and officials.

Section 7. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the donation and the lease authorized by this ordinance, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary to accept the property.

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 2238-04.

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

An emergency resolution authorizing the Mayor to sign a Dedication Plat for the Relocation of Old Grayton Road.

Whereas, the City of Cleveland owns the land for the Relocation of Old Grayton Road; and

Whereas, it is required that a plat be signed by the Mayor, on behalf of the City of Cleveland, dedicating the land for public use; 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 Mayor is authorized, on behalf of the City of Cleveland, to sign and execute a plat dedicating the Relocation of Old Grayton Road to public use, as shown on the plat prepared by the Division of Engineering and Construction of the City of Cleveland, bearing Council File No. 412-03.

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

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

Res. No. 2239-04.

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

An emergency resolution declaring the intention to vacate a portion of Old Grayton Road, S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Old Grayton Road, S.W., as described; and

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

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

Section 1. That this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Rockport Township Lot No. 4, further bounded and described as follows:

Beginning in the Northerly line of Brookpark Road, S.W. (100 feet wide) at its intersection with the Northwesterly line of Old Grayton Road, S.W. (60 feet wide);

thence North 37° 43' 44" East along said Northwesterly line, 916.13 feet to a point in the Southeasterly line of Relocated Old Grayton Road, S.W. (60 feet wide) as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records; Thence along said Southeasterly line, being the arc of a curve deflecting to the left, an arc distance of 123.28 feet. Said curve having a radius of 410.00 feet, a central angle of 17° 13' 42", and a chord bearing North 45° 31' 06" East, 122.82 feet to a point in the Southwesterly line of a parcel of land conveyed to the State of Ohio by deed dated December 27, 1968 and recorded in Volume 12384, Page 917 of Cuyahoga County Records;

thence South 67° 22' 57" East along said Southwesterly line, 12.68 feet to its intersection with the Southeasterly line of Old Grayton Road, S.W.;

thence South 22° 37' 02" West along said Southeasterly line, 119.34 feet to an angle point therein;

thence South 37° 43' 44" West along said Southeasterly line, 807.39 feet to a point of curvature therein;

thence along the arc of a curve deflecting to the left, an arc distance of 78.18 feet. Said curve having a radius of 35.00 feet, a central angle of 127° 57' 44", and a chord bearing South 26° 15' 10" East, 62.91 feet to a point of tangency on the Northerly line of Brookpark Road, S.W.;

thence South 89° 45' 56" West along said Northerly line, 147.80 feet to the place of beginning.

Legal Description approved by Greg J. Esber, Plats, Surveys and House Numbering Section.

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

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

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

Ord. No. 2251-04.

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

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

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

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

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

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

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

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

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

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

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

The rules were suspended, Yeas 18, Nays 0. Read second time. Read third time in full. Passed. Yeas 18, Nays 0.

Ord. No. 2257-04.

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

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

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

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

Whereas, an additional funding source is necessary to proceed forward with the Tremont Health Center public improvements; and

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

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

Section 1. That Section 3 of Ordinance No. 421-02, passed March 11, 2002, is hereby amended to read as follows:

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

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

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

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

The rules were suspended, Yeas 18, Nays 0. Read second time. Read third time in full. Passed. Yeas 18, Nays 0.

**FIRST READING EMERGENCY
RESOLUTIONS READ IN FULL
AND ADOPTED**

Res. No. 2258-04.

By Council Members Sweeney, Brady and O'Malley.

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

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

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

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

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

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

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

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

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

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

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

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

The rules were suspended, Yeas 18, Nays 0. Read second time. Read third time in full. Adopted. Yeas 18, Nays 0.

Res. No. 2259-04.
By Council Member Britt.
An emergency resolution objecting to the transfer of a liquor license of a C2 Liquor Permit to 10716 Woodland Avenue.

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of a liquor license of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Amanah Foods, Inc., DBA Saveliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0172762, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 2260-04.
By Council Member Gordon.
An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3753 Pearl Road and repealing Resolution No. 1328-04, objecting to said renewal.

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

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

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

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

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 2261-04.
By Council Member Reed.
An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 3918 East 140th Street and repealing Resolution No. 1657-04, objecting to said transfer.

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

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

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

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

Section 1. That objection to the transfer of stock of a C2 and C2X Liquor Permit to 3918 Company, DBA East 140th Street Market, 3918

East 140th Street, Cleveland, Ohio 44128, Permanent Number 8917046 be and the same is hereby withdrawn and Resolution No. 1567-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 2262-04.
By Council Member Pierce Scott.
An emergency resolution objecting to a New C1 Liquor Permit at 7502 St. Clair Avenue.

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Pyramids Market, Inc., DBA Pyramids Market, 7502 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 6082097; and requests the Director of Liquor Con-

trol to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1280-04.

By Council Member Lewis.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1492-04.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1668-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair elevators at various city health centers, for the Division of Health, Department of Public Health, for a two year period.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1848-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the STD Control Grant Gonorrhea Screening Project.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 2009-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscaping and snow removal service at various locations, for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In Section 1, line 1, strike "Finance" and insert "Public Utilities".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 2013-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with the Cleveland Housing Network to provide write-down grants for houses purchased from HUD through an Asset Control Area Agreement.

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

1. In Section 2, line 3, strike "125781" and insert "125782".

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

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

Section 4. That the Director of Community Development shall make a progress report on this program to the Community and Economic Development Committee of this Council six months after the passage of this ordinance, and every six month thereafter during the term of the contract authorized by this ordinance. Each progress report shall include the number of properties

that have been acquired by Cleveland Housing Network under the program, where they are located, the names of the contractors that are being employed or that have been employed to renovate each property, the status of work on each property, the total number of construction work hours expended on each property, the number of those construction work hours performed by City of Cleveland residents, and the number and sales price of any property that is sold by Cleveland Housing Network."

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

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 1.

Those voting yea: Council Members Jackson, Brady, Britt, Cimperman, Cintron, Conwell, Dolan, Gordon, Johnson, Lewis, O'Malley, Polensek, Reed, Rybka, Sweeney, Westbrook and Zone.

Those voting nay: Council Member Coats.

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

Ord. No. 2058-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cleveland Infant Mortality Reduction Initiative Project; and to enter into one or more contracts with various agencies to implement the project.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 2124-04.

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

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

Approved by Directors of Aging, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 2196-04.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 2209-04.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

SECOND READING EMERGENCY RESOLUTION ADOPTED**Res. No. 2126-04.**

By Council Member Jackson (by departmental request).

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

THIRD READING EMERGENCY ORDINANCE PASSED**Ord. No. 1269-04.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant of equipment from the Ohio Emergency Management Agency, for the Ohio State Homeland Security Program; and authorizing the Director to enter into one or more agreements with the County of Cuyahoga and other public entities necessary to accept the equipment under the grant.

Read third time in full. Passed. Yeas 18. Nays 0.

Council Member White entered the meeting.

MOTION

By Council Member Brady, seconded by Council Member Johnson and unanimously carried that the absence of Council Members Jones and Pierce Scott be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, December 6, 2004 at 7:00 p.m. in the Council 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 17, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 17, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Absent: None.

Others: Mike Abuserhal, Acting Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 642-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 620-04, adopted by this Board of Control on November 3, 2004, approving the conditional bid of West Park Automotive Parts as the lowest and best for various automotive and truck parts and services, all items for the Division of Cleveland Public Power, Department of Public Utilities, is hereby rescinded.

Be it further resolved, that all bids received on August 20, 2004, for various automotive and truck parts and services, all items for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 759-04 passed by the Council of the City of Cleveland on June 7, 2004, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 643-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Graybar Electric Co., Inc., for an estimated quantity of Streetlighting Materials, Group G, (item nos. 87, 88, 90), Group J, (item nos. 100 and 101), Group R (item nos. 162 thru 165), Group S, (item nos. 166 thru 169), Group U, (item nos. 175 and 176) and Group V, (item no. 177), 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 August 26, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to One Hundred Sixty Eight Thousand Two Hundred Sixty and no/100 Dollars (\$168,260.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the

commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153250

which shall be certified against the contract in the sum of Fifty Thousand and no/100 Dollars (\$50,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 644-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc., d.b.a. Leader Electric Supply, Inc. for an estimated quantity of Streetlighting Materials, Group H (item nos. 91 thru 94), Group K, (item nos. 102 thru 107, 193) and Group N (item nos. 120 thru 126), 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 August 26, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992, on the basis of the estimated quantity would amount to One Million Eighty Eight Thousand Thirty Four and 50/100 Dollars (\$1,088,034.50) (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. 153252

which shall be certified against the contract in the sum of One Hundred Thousand and no/100 Dollars (\$100,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 645-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Reed City Power Line Supply, Inc. for an estimated quantity of Streetlighting Materials, Group B (item nos. 6 thru 15, 17),

Group C, (item nos. 19 thru 71), Group D, (item nos. 72 thru 75), Group E, (item nos. 76 thru 83), Group O, (item no. 127), Group P, (item nos. 128 thru 148), Group Q, (item nos. 149 thru 161), and Group T (item nos. 170 thru 174), 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 August 26, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to Three Million Two Hundred Twelve Thousand Six Hundred Seventy and 08/100 Dollars (\$3,212,670.08) (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. 153253

which shall be certified against the contract in the sum of Two Hundred Thousand and no/100 Dollars (\$200,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 646-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Wesco Distribution, Inc. for an estimated quantity of Streetlighting Materials, Group L (item nos. 108 thru 111), Group W, (item nos. 178 and 179) and Group X (item nos. 180 thru 182), except for such terms and conditions as are unacceptable to the Director of Law, 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 August 26, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to One Hundred Five Thousand Eight Hundred Ninety Two and 34/100 Dollars (\$105,892.34) (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. 153254

which shall be certified against the contract in the sum of Forty Thousand and no/100 Dollars (\$40,000.00).

Said requirement contract shall further provide that the Contractor

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 647-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Electric Laboratories and Sales Corporation a Hughes Supply, Co. for an estimated quantity of Streetlighting Materials, Group F, item nos. 84 thru 86 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 August 26, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to Eleven Thousand Seventy Four and no/100 Dollars (\$11,074.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153251

which shall be certified against the contract in the sum of Two Thousand and no/100 Dollars (\$2,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 648-04.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 26, 2004, for an estimated quantity of streetlighting materials, item nos. 1 thru 5, 16, 18, 89, 95 thru 99, 112 thru 119, 183 thru 192 and 194, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 649-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Clean Harbors Environmental Services, Inc., except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of hazardous and non-hazardous waste disposal (items 1-11, 12 A-E, 13 A-Lead Acid (Per Pound), 13 B-Nickel Cadmium (Per Pound), 13 C-Lithium (Per Pound), 13 A-4' Bulbs (Per bulb), 13 B-8' Bulbs (Per bulb), 13 C-U-tubes (Per tube), 13 D-G, and 14-20), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 25th day of August, 2004, under the authority of Ordinance No. 2316-03, passed December 15, 2003, which on the basis of the estimated quantity would amount to One Hundred Sixty Three Thousand Four Hundred Forty Six Dollars (\$163,446.00) (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 148151

which shall be certified against such contract in the sum of One Hundred Thousand Dollars (\$100,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Clean Harbors Environmental Services, Inc. for the contract authorized is approved:

**SUBCONTRACTOR
PERCENTAGE WORK**

Environmental Control Laboratories (MBE)	
8.06%	\$13,168.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 650-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Libby Construction Co., Inc. for an estimated quantity of labor and materials necessary to repair or replace fire hydrants and appurtenances-Area A, (all items), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 24th day of September, 2004, under the authority of Ordinance No. 1002-03, passed

June 10, 2003, which on the basis of the estimated quantity would amount to One Million Three Hundred Ninety Five Thousand Four Hundred Fifty Six Dollars and 88 Cents (\$1,395,456.88), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 148880 which shall be certified against such contract in the sum of Four Hundred Thousand Dollars (\$400,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Libby Construction Co., Inc. for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u> <u>PERCENTAGE</u>	<u>WORK</u>
RMC, Inc. (MBE) 15.00%	\$209,318.53
Rockport Construction & Materials, Inc. (FBE) 5.00%	\$69,772.84
LJI Construction Co. Inc. 10.00%	\$139,545.69

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 651-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 2376-02, passed by the Council of the City of Cleveland on March 10, 2003, the firm of R. W. Armstrong ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide design services for safety improvements to meet standard runway safety requirements for Runway 10-28 at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with R. W. Armstrong based upon its proposal dated July 19, 2004, provided that the compensation to R.W. Armstrong for the services authorized shall not exceed One Million Three Hundred Seventy-Seven Thousand Seven Hundred Seventy-Eight and 00/100 Dollars (\$1,377,778.00), for the professional services

described above, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

<u>Subconsultant</u> <u>M/FBE %</u>	<u>Amount</u>
Central Engineering 32.52 MBE %	\$224,150.00
Prime Engineering 6.23 MBE %	\$43,100.00
KS Associates 8.97 FBE %	\$61,750.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 652-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 989-04, passed by the Council of the City of Cleveland on June 7, 2004, the firm of Hurricane Labs, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to design, provide, install, and integrate information technology security services, including vulnerability analyses and training for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Hurricane Labs, Inc. based upon its proposal dated September 10, 2004, provided that the compensation to Hurricane Labs, Inc. for the services authorized shall not exceed Twenty Thousand and 00/100 Dollars (\$20,000.00). This contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 653-04.

By Director Mok.
Whereas, under the authority of Section 139.051 of the Codified Ordinances of Cleveland, Ohio, 1976, Board of Control Resolution No. 19-04, adopted January 21, 2004, approved the charges for landing fees for aircraft at Burke Lakefront Airport fixed by the Commissioner of Burke Lakefront Airport and approved by the Director of Port Control; and

Whereas, Resolution No. 19-04 omitted mercy flights from the category of aircraft for which no landing fee is charged; now, therefore

Be it resolved, by the Board of Control of the City of Cleveland that Resolution No. 19-04, adopted January 21, 2004, is amended by adding the phrase "and Mercy Flights" after the words "Public Aircraft," and by inserting, after the definition of Gross Weight, the definition of "Mercy Flight" shall mean an air medical transport flight that is operated by a non-profit or a for-profit provider of air medical transport where the flight is provided at no cost."

Be it further resolved, that all terms of Resolution No. 19-04 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 654-04.

By Directors Ricchiuto and Rush.
Whereas, under authority of Ordinance Nos. 1530-02 and 990-03, passed by the Cleveland City Council on November 25, 2002 and June 10, 2003 respectively, this Board of Control, by its Resolution No. 694-03 adopted November 12, 2003, entered into Contract No. 62321 with R. J. Platten Contracting Co. for the public improvement of The Plaza at Huron Point, for the Division of Engineering and Construction, Department of Public Service, in the aggregate amount of Eight Hundred Eighty-Two Thousand, Two Hundred Three and 00/100 Dollars (\$882,203.00); and

Whereas, this Board of Control by Resolution No. 383-04, adopted on June 23, 2004, approved an increase, in the subcontract amount to Lito Trucking (MBE) under Contract No. 62321; and

Whereas, City Council by Ordinance No. 1298-04, passed July 14, 2004, approved a subsidiary agreement for Sixty-Five Thousand One Hundred Sixty-One and 90/100 Dollars (\$65,161.90), thereby increasing the contract amount to Nine Hundred Forty-Seven Thousand, Three Hundred Sixty-Four and 90/100 Dollars (\$947,364.90); and

Whereas, the City desires to use funds from Fund Nos. 14 SF 027, 14 SF 028, 14 SF 029 and 14 SF 030 as authorized by Ordinance No. 701-04, passed June 7, 2004, as additional funds for Contract No. 62321; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 694-03, adopted November 12, 2003, as amended by Resolution No. 383-04, adopted June 23, 2004, is amended by inserting after "June 23, 2004" the words: "and Ordinance No. 701-04, passed June 7, 2004,".

Be it further resolved, that the Director of Public Service and the Director of Community Development are authorized to execute all documents and to do all things, necessary to add the additional funding sources in Ordinance No. 701-04 to Contract No. 62321.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 655-04.

By Director Ronayne.

Whereas, Ordinance No. 2151-03 passed by the Council of the City of Cleveland on December 15, 2003, and Resolution No. 502-04 adopted by this Board on September 8, 2004, authorized the City to enter into an agreement with Larsen Architects ("Consultant") for professional services necessary to complete the Kenneth L. Johnson Recreation Center Outdoor Pool and Waterslide Improvements for a total cost of \$99,000.00; and

Whereas, due to revisions in the Stage I and Stage II professional services prior to execution of a contract, the Consultant has proposed to amend its fees for all three stages; and

Whereas, Consultant has submitted a revised fee proposal that decreases the Stage III fees and reimbursable expenses and increases the Stage I and Stage II fees; and

Whereas, the City finds the Consultant's revised fee proposal acceptable, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that on the basis of Consultant's revised fee proposal, Resolution No. 502-04, adopted by this Board on September 8, 2004, is amended by increasing the lump sum fee to Larsen Architects by \$5,000 to Ninety-Four Thousand Dollars (\$94,000.00) and by decreasing the reimbursable expenses by \$5,000 to not to exceed Five Thousand Dollars (\$5,000).

Be it further resolved that all other provisions of Resolution No. 502-04 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the

examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, DECEMBER 6, 2004

9:30 A.M.

Calendar No. 04-264: 3262 Fulton Road (Ward 14)

Michel and Ava Farivar, owners, appeal to change the use of an existing one-story brick building from a factory to a recreation use for martial arts, situated on a 66' x 139' corner lot in a Local Retail Business District on the southwest corner of Fulton Road and Robert Avenue at 3262 Fulton Road; subject to the limitations of Section 343.01, the martial arts use is first permitted in a General Retail District under Section 343.11(b)(2)(L) and 4 off-street parking spaces are proposed where 16 spaces are required, as stated in Section 349.04(e) of the Codified Ordinances.

Calendar No. 04-288: 4912 Tillman Avenue (Ward 17)

Courtney Rice, owner, appeals to erect a 26' x 24' two-story frame garage and dwelling addition on a 50' x 132' lot where there is a two-story single family dwelling in a Two-Family District on the north side of Tillman Avenue at 4912 Tillman Avenue; contrary to Section 357.09(2)(B), the total interior side yard provided is 6' and shall not be less than 10' and the existing, non-conforming interior side yard of less than 10' requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-289: 8245 Broadway Avenue (Ward 2)

Anthony Konopinski, owner, appeals to establish a used car sales lot on a corner lot that is located in split zoning for General Retail Business and Semi-Industry Districts on the southeast corner of Broadway and Booth Avenues at 8245 Broadway Avenue; contrary to the Fence Regulations, a 6' high ornamental fence is proposed and fences in actual front and side street yards shall not exceed 4' in height as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 04-290: Erieview Land Company LLC, 1301 East 9th Street (Ward 13)

Erieview Land Company LLC, a.k.a. Minshall Development Company, owner c/o Aaron Rupert, agent, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.01(e) of

the Cleveland Codified Ordinances from a Violation Notice issued October 29, 2004 by the Building and Housing Department for failure to comply with Section 350.04 of the Sign Regulations, that requires no outdoor sign or display structure shall be erected until a permit has been issued and, otherwise, it is subject to the provisions of Section 350.18 of the Codified Ordinances.

Calendar No. 04-291: 10504 Helena Avenue (Ward 8)

Glennville New Life Community Church and Pastor Rick Gillespie, owner, appeal to construct a two-story frame multi-purpose center and assembly hall addition to an existing church building situated on a corner lot, located in a Local Retail Business District on the southeast corner of Helena Avenue and East 105th Street at 10504 Helena Avenue; subject to the Local Retail District limitations of Section 343.01, a multi-purpose center and assembly hall are first permitted in a General Retail Business District under Section 343.11(b)(2)(L) and contrary to Section 349.04(e), no off-street parking is proposed and 35 additional spaces are required; and Section 357.14(a)(1) prohibits the parking of motor vehicles along East 105th Street in the established 7' building line setback; and the Board of Zoning Appeals approval is required in Section 359.01(a) for the expansion of the existing nonconforming church and proposed addition, which are located less than the required 15' distance from an adjoining premises in a Residence District, as regulated by reference to a One-Family District in Section 337.02(e)(1) of the Codified Ordinances.

Calendar No. 04-292: 4274 East 137th Street (Ward 1)

Shirley Boger, owner, appeals to erect a 7'-9" x 22' open front porch to an existing one family dwelling situated on a 40' x 115' lot in an A1 One-Family District on the west side of East 137th Street at 4274 East 137th Street; contrary to the Regulations for Yards and Courts a front porch projection of 7'-9" is provided and a porch shall not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 04-193: 2487 West 25th Street (Ward 14)

George Sass, owner, appeals to construct a 60' x 60' two-story building for a wrecking yard and service garage, proposed to be situated on an acreage parcel in a Semi-Industry District on the east side of West 25th Street at 2487 West 25th Street; contrary to Sections 345.03 and 345.03(c)(2) of the Industrial Districts Regulations, a wrecking yard is not permitted in a Semi-Industry District but first permitted in a General Industry District and the repair garage, although permitted in a Semi-Industry District, is required to be 100' from a Residence District and as proposed, it abuts a Two-Family District; and in Section 345.04(a)(4) where auto wrecking is first permitted in a General Industry District, a minimum area of 50,000 square feet is required and it must be enclosed within a minimum of 7' high, solid masonry wall or

screened, nontransparent fence and a 40,826 square foot area that is partially fenced is proposed; and contrary to Section 349.05(b) of the Off-Street Parking and Loading Requirements, part of the proposed parking that is provided is not under the appellant's ownership; and subject to the provisions for Nonconforming Uses, a nonconforming structure was 90% destroyed by fire and razed, where a nonconforming building or use that is more than 50% destroyed or removed by whatever cause, except by act of malicious mischief or vandalism, shall not be restored or replaced, except in conformity with the regulations for the district in which it is located, as stated in Section 359.03(b) of the Codified Ordinances. (Filed 8-10-04; Motion for Rehearing granted 11-15-04).

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 22, 2004

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

The following appeals were **Approved**:

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

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

Calendar No. 04-287: 12814 Buckeye Road

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

Calendar No. 04-226: 11507 Miles Avenue

New Joshua Baptist Church appealed to change from a store and storage to a restaurant the use of a two-story building in a Two-Family District; subject to conditions.

Calendar No. 04-233: 5718 Bridge Avenue

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

The following appeal was **Denied**:

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

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

Calendar No. 04-256: 10517 Dale Avenue

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

Calendar No. 04-257: 9710 Nelson Avenue

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

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

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

The following appeal was **Postponed**:

Calendar No. 04-258: 14024-26 Triskett Road postponed to December 13, 2004.

In Executive Session on November 22, 2004, the following appeals heard by the Board on November 15, 2004 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 04-250: 14704 Hale Avenue

Byron Thomas appealed to erect and enclose a rear porch addition to a two-story dwelling in a Two-Family District.

Calendar No. 04-253: 13221 Sprecher Avenue

Bobby and Thelma Conley appealed to erect a two-story additional floor area to a single family dwelling in an A1 One-Family District.

Calendar No. 040-254: 16200 Munn Road

William and Donna Trunko appealed to erect a one-story frame accessory garage on the rear portion of a corner lot in an A1 One-Family District; subject to conditions.

Calendar No. 04-143: 2202 Broadview Road

Speedway SuperAmerica appealed to construct a combined service station/convenient store in a Local Retail and a One-Family District.

Calendar No. 04-205: 3500 Woodland Avenue

Neal Desatnik appealed to erect an 84 s/f, 25' high, free-standing sign in a Semi-Industry District.

The following appeal was **Denied**:

Calendar No. 04-249: 15709 Lorain Avenue

Tracy Brown appealed to establish use as a tattoo/body piercing operation in a mixed use building in a General Retail Business District.

In Executive Session on November 22, 2004, the following appeals heard by the Board on September 20, 2004 were adopted and approved.

Calendar No. 04-208: 5001 Bridge Avenue

Victor and Sonia Sanchez appealed to erect a 12' x 15' one-story open second story porch to the rear of a two-story, two-family dwelling in a Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
November 17, 2004

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-81-04.

RE: Appeal of Tom Leneghan, Owner of the Property located on the premises known as 806 Literary Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated June 24, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the building to continue in business with the understanding that the second floor will be abandoned for any occupancy or storage; that the basement will be limited to minimum storage until the sprinkler system is installed and that no public use of the basement will be permitted; that the sprinkler system will be in the process of being installed within thirty (30) days; that an affidavit will be submitted by the HVAC contractor attesting to the proper installation of the HVAC system and the owner's acceptance, and that the contractor and owner will accept responsibility for any required compliance of the system or proper performance of the system; that permits be obtained for the gas line in the kitchen, and that smoking be limited to normal cigarette smoking; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-109-04.

RE: Appeal of Gloria J. Peterson, Owner of the Two & One-half Story Frame Residential Property located on the premises known as 13525 Blenheim Road from a FORTHWITH FIRE CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated September 23, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that permits be obtained and that the violations be abated by December 17, 2004, and to require that the property be maintained boarded and secured and the grounds debris free during that period of time; the property is REMANDED at this time to

the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-113-04.

RE: Appeal of Cleveland Clinic Foundation, Owner of the Property located on the premises known as 9211 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 21, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the escalator to be installed as proposed, noting that it is in compliance with the 2005 ASME A17.1 Code and that the City has reviewed and accepted the compliance differences between codes. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-114-04.

RE: Appeal of Cleveland Food Bank, Owner of the Property located on the premises known as 15500 South Waterloo Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 27, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required to install the waterless urinals in the office areas, but to require that, normal water flush urinals be installed in the processing and handling areas. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-115-04.

RE: Appeal of University Hospitals of Cleveland, Owner of the Property located on the premises known as 2065 Adelbert Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 4, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to accept the installation of the fire dampers as proposed, noting that the two-hour enclosure from the damper to the floor slab achieves the two-hour rating required. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

Docket A-116-04.

RE: Appeal of Flo Café, LLC, Owner of the Property located on the premises known as 1213 West 6th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 12, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that there are pressure switches indicating malfunctions in the cleaning process, that the exhaust and supply are ten (10) feet apart, except for the make-up air, which is approximately eight (8) feet, the variance is granted for that; that the ultra violet cartilages are easily change, that any long term maintenance failures can be seen and that the discharge is a minimum thirteen (13) feet/ten (10) inches above the public sidewalk; a motion is in order at this time to grant the variances required to install the ultra light system in the hoods at 1213 West 6th Street, with the caveat that any nuisance observed by the City will result in shutdown of the system; stating that planned periodic adequate maintenance will be instituted by the owner. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-119-04.

RE: Appeal of Forest City Commercial Group, Owner of the Property located on the premises known as 230 W. Prospect Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 12, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to approve the installation of the canopy as indicated on the drawings, noting the concurrence of City Planning and the Building Department. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bradley and seconded by Mr. Gallagher for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-89-04—Pak Sun Lui.
- A-96-04—Rysar Properties, Inc.
- A-100-04 to A-107-04—American Community Dev., Inc.
- A-108-04—MRN Ltd.
- A-110-04—Minshall Development Co.
- A-111-04—Minshall Development Co.

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

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bradley and seconded by Mr. Saab for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

November 3, 2004

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, DECEMBER 1, 2004

Estabrook Park & Loew Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1748-99 and 1728-2000, passed by the Council of the City of Cleveland, April 17, 2000 and April 9, 2001.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, WEDNESDAY, NOVEMBER 24, 2004, AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

November 17, 2004 and November 24, 2004

FRIDAY, DECEMBER 3, 2004

Rehabilitation of Euclid Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 2330-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, NOVEMBER 29, 2004, AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 17, 2004 and November 24, 2004

WEDNESDAY, DECEMBER 8, 2004

Industrial Paper Products and Cloth Wipers, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1658-04, passed by the Council of the City of Cleveland, October 4, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, NOVEMBER 30, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

November 17, 2004 and November 24, 2004

THURSDAY, DECEMBER 9, 2004

(iTX) Multi-Gas Monitor, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1012-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 26, 2004 AT 10:00 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

Medical Supplies for First Responder Runs, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1007-04, passed by the Council of the City of Cleveland, July 14, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 26, 2004 AT 10:30 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

November 17, 2004 and November 24, 2004

THURSDAY, DECEMBER 16, 2004

Miscellaneous Line and Street Lighting Materials-Fre Conduit and Fittings, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, DECEMBER 1, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

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

November 17, 2004 and November 24, 2004

THURSDAY, DECEMBER 9, 2004

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

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

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

November 24, 2004 and December 1, 2004

FRIDAY, DECEMBER 10, 2004

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

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

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

November 24, 2004 and December 1, 2004

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1966-04.**

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of developing a park on Ansel Road near Korman Avenue for the Department of Parks, Recreation and Properties.

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 for the public purpose of developing a park, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at Ansel Road near Korman Avenue:

P. P. No. 107-04-029
Ansel Road near Korman Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 46 in Zenas King's Subdivision of part of Original One Hundred Acre Lots Nos. 367 and 375, as shown by the recorded plat in Volume 14 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Ansel Road, N.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

Adopted November 15 2004.
Effective November 19, 2004.

Res. No. 2018-04.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of park and recreational purposes, located at 16300 Lakeshore Boulevard; and to repeal Resolution No. 2254-02, adopted December 16, 2002, relating to the property appropriation.

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 for the public purpose of park and recreational purposes, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at 16300 Lakeshore Boulevard:

Permanent Parcel No. 113-17-011
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning at a point in the Southerly line of Lake Shore Boulevard (80 feet wide distant North 70° 28' 05" East 1366.82 feet therein from its point of intersection with the Easterly line of East 156th Street (60 feet wide);

Thence continuing North 70° 28' 05" East 698.21 feet along said Southerly line of Lake Shore Boulevard to its point of intersection with the Easterly line of said Tract No. 16;

Thence South 0° 28' 45" West 374.62 feet along said Easterly line of Tract No. 16 to a point;

Thence South 70° 28' 05" West 569.88 feet to a point;

Thence North 19° 31' 55" West 352.00 feet to the place of beginning, according to a survey by Robert H. Krause, Sr. Registered Ohio Surveyor No. 2885, July 10, 1967, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

Section 3. That Resolution No. 2254-02, adopted December 16, 2002, is repealed.

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

Adopted November 15 2004.
Effective November 19, 2004.

Res. No. 2211-04.
By Council Member Coats.
An emergency resolution condemning the atrocities committed by the Janjaweed against Sudanese villagers; urging the United States Government to support the African Union with resources to end the genocide; and urging the United Nations to supply humanitarian goods to the Sudanese refugees.

Whereas, Sudan obtained its independence from the United Kingdom in 1956; and

Whereas, since obtaining its independence, Sudan has been embroiled in civil wars for all but ten years (1972-1982); and

Whereas, the civil wars are rooted in northern economic, political, and social domination of non-Muslim, non-Arab southern Sudanese; and

Whereas, since 1983, the war and war related famines have led to more than two million deaths and the displacement of over 4 million people; and

Whereas, in the past year, more than one million people have been forced from their homes in the region of Darfur by a government backed militia known as the Janjaweed; and

Whereas, the Janjaweed has raided villages, killed villagers and raped village women; and

Whereas, the violence carried out by the Janjaweed has created a serious humanitarian crisis as refugees lack access to food, clothing, shelter, and health care; and

Whereas, the United States Congress passed a resolution declaring the Sudan situation genocide; and

Whereas, Secretary of State Colin Powell in testimony before the Senate Foreign Relations Committee on Thursday, September 9, 2004, stated that "genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility, and that genocide may still be occurring"; and

Whereas, Secretary of State Powell's declaration occurred one day after the United States circulated a draft Security Council resolution on Sudan threatening economic penalties if the Sudanese government did not control its militias and permit a large force from the African Union to patrol the area; 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 condemns the atrocities committed by the Janjaweed against Sudanese villagers.

Section 2. That this Council urges the United States Government to support the African Union with resources to end the genocide.

Section 3. That this Council urges the United Nations to supply humanitarian goods, such as food, clothing, shelter, and health care, to the Sudanese refugees.

Section 4. That the Clerk of Council is hereby directed to transmit a copy of this resolution to President George W. Bush, Secretary of State Colin Powell, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown, Congressman Steven LaTourette, Kofi A. Annan, Secretary-General of the United Nations, the Executive Director and the Board of the National League of Cities, the Executive Director and Board of the National Black Caucus of Local Elected Officials, and the

Executive Director of the Ohio Municipal League.

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

Adopted November 15 2004.
Effective November 19, 2004.

Res. No. 2212-04.

By Council Members Coats, Dolan, Jones, Brady, Britt, Cimperman, Cinton, Conwell, Gordon, Jackson, Johnson, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White, Zone.

An emergency resolution strongly opposing the proposed rate increase in natural gas sought by Dominion East Ohio Gas Company and Columbia Gas of Ohio, Inc. and urging the PUCO to reject such proposals.

Whereas, on November 12, 2004, Dominion East Ohio Gas Company (Dominion) filed a request with the Public Utilities Commission of Ohio (the PUCO) to increase rates for their customers by more than \$1.00 per 1,000 cubic feet; and

Whereas, just last month, the PUCO allowed Dominion to increase its rate by \$0.44 to \$8.79 for November through January; and

Whereas, the proposed new rate would add another \$1.19 to gas costs, boosting the rate to \$9.98 per 1,000 cubic feet; and

Whereas, Columbia Gas of Ohio Incorporated (Columbia) has requested an 11.5-cent increase, which would cause its rates to go from \$8.79 to \$9.94; and

Whereas, rate increases such as those proposed by Dominion and Columbia impose an extreme financial hardship on many of the City's residents and most severely impact those citizens on fixed incomes; and

Whereas, such extreme increases could force some families to choose between paying their utility bills, buying food, or purchasing prescription drugs; and

Whereas, this Council believes that forcing citizens to make such choices is reprehensible and further believes that utility companies serving Cleveland residents should place the health, safety, and welfare of their customers above their bottom-line during our coldest months of the year; and

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

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

Section 1. That this Council strongly opposes the proposed rate increase in natural gas sought by Dominion East Ohio Gas Company and Columbia Gas of Ohio, Inc. and urges the PUCO to reject such proposal.

Section 2. That the Clerk is hereby directed to transmit certified copies of this resolution to repre-

sentatives from Dominion East Ohio Gas Company and Columbia Gas of Ohio Incorporated, to each of the Commissioners of the PUCO and to the Consumers Counsel.

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

Adopted November 15 2004.
Effective November 19, 2004.

Res. No. 2213-04.
By Council Member Brady.
An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit at 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from 10410 Lorain Avenue, Inc., DBA Porky's Café, 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, Cleveland, Ohio 44111, Permanent Number 8843651 to Lisa M. Salajcik, DBA Bar 112, 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, Cleveland, Ohio 44111, Permanent Number 7679172; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from 10410 Lorain Avenue, Inc., DBA Porky's Café, 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, Cleveland, Ohio 44111, Permanent Number 8843651 to Lisa M. Salajcik, DBA Bar 112, 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, Cleveland, Ohio 44111, Permanent Number 7679172; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 15 2004.
Effective November 19, 2004.

Res. No. 2214-04.
By Council Member O'Malley.
An emergency resolution requesting that the Cuyahoga County Court of Common Pleas, in Housing Advocates, Inc. v. American Fire & Casualty Company, et. al., order appellee insurance companies to produce certain documents and evidence necessary to fully investigate housing discrimination charges and requesting that the Director of Law of the City of Cleveland review the brief and exhibits submitted by Housing Advocates and file a brief supporting the position of Housing Advocates.

Whereas, Federal and Ohio law prohibits discrimination in the sale of fire, extended coverage or homeowners insurance because of race, color, religion, sex, familial status, ancestry, handicap, or national origin or because of the racial composition of the neighborhood in which housing accommodations are located; and

Whereas, Section 665.03(e) of the Codified Ordinances of the City of Cleveland, Ohio, 1976, prohibits discrimination against any person in the provision of property and casualty insurance; and

Whereas, it has been brought to the attention of members of Cleveland City Council that insurance companies require residents of the City of Cleveland to pay higher premiums for property and casualty insurance than residents of surrounding communities are required to pay; and

Whereas, such premiums are, in many instances, significantly higher; and

Whereas, the City of Cleveland is a diverse City with a greater number of persons of color compared to the remainder of Cuyahoga County; and

Whereas, the practice of requiring higher insurance premiums for City of Cleveland residents has a discriminatory impact on City of Cleveland residents; and

Whereas, The Housing Advocates, Inc. ("Housing Advocates"), has undertaken an investigation and did several studies to review base rate premiums and geographical territorial rating zones for the City of Cleveland and the remainder of Cuyahoga County; and

Whereas, this investigation has shown that City of Cleveland residents pay more for homeowners insurance than residents living in surrounding cities and this has a racial and ethnic disparate impact on City of Cleveland residents; and

Whereas, Housing Advocates filed a total of twenty-five charges of housing discrimination against twenty-eight insurance companies based on its investigation with the Ohio Civil Rights Commission; and

Whereas, the Ohio Civil Rights Commission completed its investigation of these charges and found that there is no probable cause to believe that discrimination occurred; and

Whereas, during this investigation the Ohio Civil Rights Commission failed to request certain documents from the insurance companies; and

Whereas, these documents are only available from the insurance companies and are relevant to the charges of housing discrimination filed by Housing Advocates; and

Whereas, it appears that the Commission's investigation failed to address Housing Advocates suggestion for a less restrictive alternative methods to avoid or at least reduce the imposition of much higher premiums on our residents; and

Whereas, it appears that Housing Advocates have made a case for disparate impact by the insurance companies in the pricing of insurance products in the City of Cleveland versus the remainder of Cuyahoga County; and

Whereas, Housing Advocates has filed a lawsuit under the Ohio Revised Code entitled The Housing Advocates, Inc. v. American Fire & Casualty Company, et. al. in the Cuyahoga County Common Pleas Court requesting that the no probable cause determination of the Ohio Civil Rights Commission be reversed and that the Court compel the appellee insurance companies to provide the requested documents in order to enable a full and fair investigation of the housing discrimination charges; and

Whereas, this Council is concerned about all persons receiving a full and fair investigation of their claims before the Ohio Civil Rights Commission; and

Whereas, the Ohio Civil Rights Commission is mandated by State law to carry out and enforce the fair housing laws of the State of Ohio; and

Whereas, the Ohio Civil Rights Commission has authority to demand access to records, documents, and evidence in the course of investigations; and

Whereas, the Ohio Civil Rights Commission should have compelled

the appellee insurance companies to provide certain documents and other evidence as part of its investigation in order to determine the validity of the housing discrimination charges filed by Housing Advocates; and

Whereas, members of Cleveland City Council, after being provided information about the scope and findings of the Commission investigation, urge the Cuyahoga County Common Pleas Court to order that appellee insurance companies produce certain documents and evidence necessary to investigate the housing discrimination charges filed by Housing Advocates; 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 requests that the Cuyahoga County Court of Common Pleas, in Housing Advocates, Inc. v. American Fire & Casualty Company, et. al., order appellee insurance companies to produce certain documents and evidence necessary to fully investigate housing discrimination charges.

Section 2. That this Council hereby requests that the Director of Law of the City of Cleveland review the brief and exhibits submitted by Housing Advocates and file a brief supporting the position of Housing Advocates.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Ohio Governor Bob Taft, Pastor Aaron Wheeler Sr., Chairperson and Commissioner, Ohio Civil Rights Commission; Jeanine P. Donaldson, Commissioner, Ohio Civil Rights Commission; Altagracia Ramos, Commissioner, Ohio Civil Rights Commission; Nirmal K. Sinha, Commissioner, Ohio Civil Rights Commission; Charles Winburn, Commissioner, Ohio Civil Rights Commission; G. Michael Peyton, Executive Director, Ohio Civil Rights Commission; and Jim Petro, Attorney General, State of Ohio.

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

Adopted November 15 2004.
Effective November 19, 2004.

Res. No. 2215-04.

By Council Member Zone.

An emergency resolution declaring Cleveland City Council's support of the proposal of Stockyard Redevelopment Organization and Stock Development Company to provide affordable housing for the citizens of Cleveland through the use of Housing Development Assistance financing from the Ohio House Finance Agency.

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, each year the Ohio Housing Finance Agency allocates non tax credit Housing Development Assistance financing using a competitive proposal process; and

Whereas, Stockyard Redevelopment Organization and Stock Development Company are proposing to develop at least five (5) single family homes; and

Whereas, these homes will consist of three (3) and four (4) bedroom homes; and

Whereas, all of these homes will be sold to families whose household income does not exceed eighty percent (80%) of the area median income; and

Whereas, at least twenty percent (20%) of these units will be set aside for families with a disability; and

Whereas, the Stockyard Redevelopment Organization and Stock Development Company project will benefit the citizens of the City; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Stockyard Redevelopment Organization and Stock Development Company to provide affordable housing for the citizens of Cleveland through the use of Housing Development Assistance financing from the Ohio House Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Director of the Stockyard Redevelopment Organization and the Director of the Stock Development Company.

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

Adopted November 15 2004.
Effective November 19, 2004.

Ord. No. 1290-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 131st Street to Eleanor R. Barrett.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of

Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 137-23-019, as more fully described below, to Eleanor R. Barrett.

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

P. P. No. 137-23-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 627 in the Corlett Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 461 as shown by the recorded plat in Volume 48 of Maps, Page 23 of Cuyahoga County Records and being 40,006 feet front on the Westerly side of East 131st Street and extending back of equal width 150 feet deep along the Southerly line of Lenacrae Avenue, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

from and after the earliest period allowed by law.

Passed November 15 2004.
Effective November 19, 2004.

Ord. No. 1490-04.
By Council Members Cimperman, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property-adoption agreement with Great Lakes Brewing Co. Inc., or their designee, for the construction, operation, and maintenance of a greenhouse at Fairview Park, located at West 38th Street and Franklin 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, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property-adoption agreement with Great Lakes Brewing Co. Inc., or their designee, for the construction, operation, and maintenance of a greenhouse at Fairview Park, located at West 38th Street and Franklin Avenue. The proposed greenhouse will be up to 36' x 14' (up to 506 square feet) and will be located within the boundaries of Fairview Park, placed in the garden area and immediately adjacent to the existing garden-maintenance building.

Section 2. That this property-adoption agreement shall not be construed as a conveyance of any right, title, or interest in the public property, but is the grant of a privilege revocable at the will of Director of Parks, Recreation and Properties.

Section 3. That the Director of Parks, Recreation and Properties is authorized to accept the gift of any improvements made to the adopted property by Great Lakes Brewing Co. Inc., or their designee.

Section 4. That the property-adoption agreement authorized shall be prepared by the Director of Law and may contain a provision that Great Lakes Brewing Co. Inc., or their designee, may assign its rights and obligations under the property-adoption agreement upon receiving the Director of Parks Recreation and Properties' written consent, and shall contain any additional terms and conditions that the Director of Law deems necessary to protect and benefit the public interest.

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

Passed November 15 2004.
Effective November 19, 2004.

Ord. No. 1508-04.
By Council Member Cintron.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 20th Street to Breyerwood Homes, LLC.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 004-03-057 and 004-03-058, as more fully described below, to Breyerwood Homes, LLC.

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

P. P. No. 004-03-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 133 feet of Sublot No. 319 in the Willeyville Allotment of part of Original Brooklyn Township Lot Nos. 69 and 70 as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 20th Street (formerly Tracy Street), and extending back of equal width 133 feet, 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. 004-03-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly part of Sublot No. 319 in the Willeyville Allotment of part of Original Brooklyn Township Lots Nos. 69 and 70, as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 20th Street, (formerly Tracy Street), and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordi-

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

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

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

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

Passed November 15 2004.
Effective November 19, 2004.

Ord. No. 1670-04.
By Council Members Coats, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance to supplement Ordinance No. 2243-03, passed December 15, 2003, by adding new Sections 8a and 8b; and to amend Section 9 of the ordinance relating to the property acquisition, design, and construction of an all weather track and football-field complex in the Collinwood area; and authorizing an agreement with United Way to cooperate in the cost of this project.

Whereas, Ordinance No. 2243-03, passed December 15, 2003, authorized, among other things, the appropriate City officials to acquire property for the construction of an all-weather track and football field complex to be located at East 1050 East 152nd Street; and

Whereas, additional funding for this project has become available to the City; 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 Ordinance No. 2243-03, passed December 15, 2003, is supplemented by adding new Sections 8a and 8b to read as follows:

Section 8a. That the Director of Parks, Recreation and Properties is authorized to accept a cash donation in the amount of \$100,000 from the

United Way to implement the improvement.

Section 8b. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with United Way to cooperate in the cost by contributing up to \$100,000 to the City of Cleveland for this project, and those funds are appropriated for this purpose.

Section 2. That Section 9 of Ordinance No. 2243-03, passed December 15, 2003, is amended to read as follows:

Section 9. That the cost of the acquisition of property, professional services, and public improvement shall be paid from Fund No. 20 SF 392 and from the fund or funds which are credited the money received from United Way authorized by this ordinance for this purpose, and that the cost of the requirements shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 3. That existing Section 9 of Ordinance No. 2243-03, passed December 15, 2003, is repealed.

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

Passed November 15 2004.

Effective November 19, 2004.

Ord. No. 1850-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the United States Department of Commerce, National Oceanic and Atmospheric Administration for the Canal Basin Park Program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the amount of \$2,968,432.00, from the United States Department of Commerce, National Oceanic and Atmospheric Administration to conduct the Canal Basin Park Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the letter for the grant contained in the file described below.

Section 2. That the letter for the grant, File No. 1850-04-A, made a

part of this ordinance as if fully rewritten, is approved in all respects.

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

Passed November 15 2004.

Effective November 19, 2004.

Ord. No. 1961-04.

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

An emergency ordinance approving a Memorandum of Understanding with Continental Airlines, Inc.; authorizing the Mayor and the Director of Port Control to enter into the MOU; and authorizing the Director of Port Control to enter into an amendment to Contract No. 38171 and similar contracts with other signatory airlines necessary to effectuate the purposes of the Memorandum of Understanding.

Whereas, on May 15, 1987, the City and Continental Airlines, Inc. ("Continental") entered into a long-term Agreement and Lease authorizing Continental to use certain premises for operations at Cleveland Hopkins International Airport (City Contract No. 38171) (the "Existing Agreement"); and

Whereas, modifications to the Existing Agreement are desired by both the City and Continental; and

Whereas, the City is party to agreements substantially similar to the Existing Agreement with other signatory airlines at the Airport (the "Other Agreements"); and

Whereas, the City and Continental intend to engage in good faith negotiations leading to the execution of an amendment to the Existing Agreement (the "Amended Agreement") consistent with the change in terms contemplated by the Memorandum of Understanding ("MOU") contained as a file in this ordinance; and

Whereas, the City intends to engage in good faith negotiations with other signatory airlines leading to the execution of definitive agreements (the "Other Amendments") substantially similar to the Amended Agreement; and

Whereas, among other things, the MOU contemplates extending the term of the Existing Agreement and the Other Agreements for an additional ten-year term commencing December 31, 2005, modifies certain business terms that provide for reduced costs to Continental and the other signatory airlines at the Airport, and contemplates the City constructing certain capital improvements at the Airport; and

Whereas, these modifications to the Existing Agreement and the Other Agreements will mutually benefit the City, Continental, and the other signatory airlines; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That, notwithstanding any other ordinance to the contrary, this Council approves the MOU with Continental contained in File No. 1961-04-A, and authorizes the Mayor and the Director of Port Control to enter into the MOU.

Section 2. That the Director of Port Control is authorized to enter into the Amended Agreement as contemplated by the MOU.

Section 3. That the Director of Port Control is authorized to enter into the Other Amendments as further contemplated by the MOU.

Section 4. That the Amended Agreement and the Other Agreements will contain such additional terms and conditions as are not inconsistent with the MOU as may be agreed upon by the Director of Port Control and Continental and approved by the Director of Law.

Section 5. That the Director of Finance and the Director of Port Control are authorized to enter into a supplemental trust indenture with J.P. Morgan Trust Company, National Association, as Trustee for the City's outstanding Airport System Revenue Bonds in order to supplement and amend the Trust Indenture dated as of November 1, 1976, as supplemented and amended by the First through Fifth Supplemental Trust Indentures, each between the City and the Trustee (collectively comprising the Indenture) in order to conform certain provisions of the Indenture to provisions of the MOU, Amended Agreement and Other Agreements relating to the deposit and expenditure of the Airport Revenues, as defined in the Indenture.

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

Passed November 15 2004.

Effective November 19, 2004.

Ord. No. 2014-04.

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

An emergency ordinance to appropriate property for the redevelopment of the blighted premises located at 16800 Lorain Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1816-04, adopted September 27, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of the elimination of blight and nuisance property; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of the elimination of blight and nuisance property, and preventing the recurrence of blight in the neighborhood surrounding the blighted premises, the following described fee simple interests are appropriated:

Permanent Parcel Number 025-16-020
16800 Lorain Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to-wit: and known as being part of Original Rockport Township Section No. 13, bounded and described as follows: Beginning in the Northwesterly line of Lorain Avenue at a point 460 feet North-easterly (measured along said Northwesterly line) from the Easterly line of land conveyed to Kate Schink by deed dated October 7, 1898, and recorded in Volume 692, Page 493 of Cuyahoga County Records; thence Northeasterly along said Northwesterly line of Lorain Avenue 50 feet; thence Northwesterly on a line at right angles to said Northwesterly line of Lorain Avenue 120 feet; thence Southwesterly on a line parallel with said Northwesterly line of Lorain Avenue 50 feet; thence Southeasterly 120 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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

Passed November 15 2004.
Effective November 19, 2004.

Ord. No. 2017-04.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with IntelliNet Enterprise Management Services Corporation to provide economic development assistance to partially finance relocation costs, leasehold improvements, and soft costs associated with their relocation to 1255 Euclid Avenue in the City of Cleveland.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with IntelliNet Enterprise Management Services Corporation to provide economic development assistance to partially finance relocation costs, leasehold improvements, and soft costs associated with their relocation to 1255 Euclid Avenue in the City of Cleveland from Richmond Heights, Ohio.

Section 2. That the costs of the grant shall not exceed an amount of \$71,500 and shall be paid from Fund No. 17 SF 008, Request No. 103630.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

Passed November 15 2004.
Effective November 19, 2004.

Ord. No. 2051-04.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Betty Montgomery, Ohio State Auditor, for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2004 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Betty Montgomery, Ohio State Auditor, for professional services necessary to complete an independent assessment and to express the opinion of the City whether the 2004 financial statements present fairly the financial position of the City and other things; and to authorize the auditor to complete two statements on Auditing Standards for the Divisions of Water and Taxation, in the total sum of \$400,000, for the Department of Finance. The contracts or contracts shall be paid from funds appropriated for this purpose in budget year 2005, Request No. 146219.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed November 15 2004.
Effective November 19, 2004.

Ord. No. 2059-04.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the 2004 Inner City Tree Planting Program; and authorizing the purchase by one or more requirement contracts of the labor and materials necessary to plant trees in various locations throughout the City of Cleveland, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the amount of \$18,212, from the Ohio Department of Natural Resources to conduct the 2004 Inner City Tree Planting Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the draft agreement for the grant contained in the file described below.

Section 2. That the draft agreement for the grant, File No. 2059-04-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$18,212 payable from Fund No. 01-701201-639905, is approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of labor and materials necessary to plant trees in various locations throughout the City of Cleveland, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Parks, Recreation and Properties. 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 4. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

Passed November 15 2004.

Effective November 19, 2004.

Ord. No. 2060-04.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio's Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation and demolition of the former St. Luke's Hospital property located at 11311 Shaker Boulevard to be used for future development; and authorizing the director to enter into one or more contracts with UHHS/CSAHS - Cuyahoga, Inc. & New Village Corporation to implement the project.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in an amount up to \$750,000, from the State of Ohio's Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation and demolition of part of the former St. Luke's Hospital property located at 11311 Shaker Boulevard to be used for future development, for the purposes described in the summary for the grant contained in the file described below. The director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 2060-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Community Development is autho-

riized to enter into one or more contracts with UHHS/CSAHS - Cuyahoga, Inc. & New Village Corporation to implement the project as described in the summary.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and may contain terms and conditions that the director deems necessary to protect and benefit the public interest.

Section 5. That the cost of the contract or contracts authorized shall be paid from the fund or funds that are accredited the proceeds of the grant accepted under this ordinance.

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

Passed November 15 2004.

Effective November 19, 2004.

Ord. No. 2063-04.

By Council Member Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 7th Street to Parkhill Associates.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-17-018, 004-17-020 and 004-17-022, as more fully described below, to Parkhill Associates.

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

P. P. No. 004-17-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 167 and 168 in William Slades Allotment of a part of Original Brooklyn Township Lot No. 87 as the same appears on record in the

map records of said county Volume 1, Page 23 and bounded and described as follows:

Beginning at the Westerly side of University Street (now West 7th Street) at a point 50 feet Southerly from the intersection of the Westerly line of University Street (now West 7th Street) with the Southerly line of Jefferson Avenue, S.W.; thence Southerly along the Westerly line of University Street (now West 7th Street) 44 1/2 feet; thence Southwesterly at right angles with University Street (now West 7th Street) 142 feet to the Westerly line of said Sublot No. 167; thence Northwesterly along the Westerly line of said Sublot No. 167, 44 1/2 feet to a point 50 feet Southerly at right angles from the Southerly line of Jefferson Avenue, S.W.; thence Easterly and parallel with the Southerly line of Jefferson Avenue, S.W. 142 feet to the Westerly line of University Street (now West 7th Street) and being a parcel of land 44 1/2 feet in width and 142 feet deep. As appears by said plat, be the same more or less, but subject to all legal highways.

Right of way contained in the instrument dated July 15, 1892, and recorded in Volume 525, Page 396 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

P. P. No. 004-17-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 167 and 168 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point 129 feet distant from the Southerly corner of the intersection of Jefferson Avenue, S.W. and West 7th Street (formerly University Street), at a point on the Northeasterly line of Sublot No. 168; thence Southeasterly along the Northeasterly line of Sublot No. 168, 33 feet to a stake; thence Southwesterly at right angles with the Northeasterly line of Sublot No. 168, 160 feet to the Southwesterly line of Sublot No. 167; thence Northwesterly along the Southwesterly line of Sublot No. 167, 33 feet; thence Northeasterly parallel with the Jefferson Avenue, S.W., 160 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easement recorded in Volume 1044, Page 145 of Cuyahoga County Records,

Subject to zoning ordinances, if any.

P. P. No. 004-17-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northeasterly 153.5 feet on the Northwesterly one-half of Sublot No. 165 in William Slade Jr.'s University Heights Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in

Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street), and extending back of equal width 153.5 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed November 15 2004.

Effective November 19, 2004.

Ord. No. 2070-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 143rd Street and Maplerow Avenue to Lenzie Dantigance.

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

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

Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 138-22-084, 138-22-085 and 138-22-118, as more fully described below, to Lenzie Dantigance.

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

P. P. No. 138-22-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 16 in The City Gardens Company's Park Subdivision No. 6, as shown by the recorded plat in Volume 91 of Maps, Page 6 of Cuyahoga County Records.

Subject to all legal highways and also subject to the following conditions and restrictions as contained in the Deed from The City Garden Company to Janina Konieczka, same being Land Title Registration Document No. 27633, to-wit:

"Said premises may be used for residence, apartment or business purposes only, factory buildings excluded, provided if used for business purposes, then the buildings thereon are of brick or stone structure and shall cost not less than Five Thousand (\$5,000.00) Dollars each."

P. P. No. 138-22-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in the City Gardens Realty Company's Cranwood Park Subdivision No. 6 of part of Original Warrensville Township Lot No. 81, as shown by the recorded plat in Volume 91 of Maps, Page 6 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 143rd Street and extending back between parallel lines 115.25 feet deep on the Northerly line, 115.31 feet deep on the Southerly line and being 40 feet wide in the rear, be the same more or less but, subject to all legal highways.

P. P. No. 138-22-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 18 in the City Gardens Realty Company's Cranwood Park Subdivision No. 6, as shown by the recorded plat in Volume 91 of Maps, Page 6 of Cuyahoga County Records. Subject to all legal highways. Also subject to the agreement with the City of Cleveland, shown on the recorded plat provided that the building lines shown thereon shall be enforced.

Section 3. That all documents necessary to complete the conveyance authorized by this ordi-

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

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

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

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

Passed November 15 2004.

Effective November 19, 2004.

COUNCIL COMMITTEE MEETINGS

Monday, November 22, 2004

9:30 a.m.

Health and Human Services Committee: Present: Britt, Chair; Conwell, Gordon, Polensek. *Authorized Absence:* Zone, Vice Chair; Cintron, Pierce Scott.

11:00 a.m.

Employment, Affirmative Action & Training Committee: Present: Lewis, Chair; Coats, Polensek. *Authorized Absence:* Conwell, Vice Chair; Cintron, Johnson, Reed.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Westbrook. *Authorized Absence:* Pierce Scott, White

Tuesday, November 23, 2004

9:30 a.m.

Community and Economic Development Committee: Cancelled.

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Adelphia

Adelphia's Proposed Monthly Network Upgrade Surcharge — disapproving (O 2209-04) 2286

Aging Department

Successful Aging Elder Friendly Communities Project — grant — Cleveland Foundation
 (O 2124-04) 2285

Agreements

Neighborhood Leadership Institute — amend the agreement — educational, recreational,
 and cultural programs — various school buildings (O 2246-04) 2273
 Tony Bush Field — improvements — Case Western Reserve University — property adoption
 agreement (O 2247-04) 2273

Appropriations

Lakeshore Blvd., 16300 — appropriate property — park and recreational purposes —
 repeal Res. No. 2254-02 (R 2018-04) **2292**
 Lorain Ave., 16800 — appropriate property — redevelopment (O 2014-04) **2297**
 Payrolls and other ordinary expenses — temporary appropriations — fiscal year ending
 December 31, 2005 (O 2255-04) 2276

Blight

Lorain Ave., 16800 — appropriate property — redevelopment (O 2014-04) **2297**

Board of Building Standards and Building Appeals

Adelbert Road, 2065, (Ward 9) — University Hospitals of Cleveland, owner — appeal
 resolved on 11/17/04 (Doc. A-115-04) 2291
 Blenheim Road, 13525, (Ward 10) — Gloria J. Peterson, owner — appeal resolved on 11/17/04
 (Doc. A-109-04) 2290
 Colonial Avenue, 10415, (Ward 8) — American Community Developers, Inc., owner — appeal
 adopted on 11/17/04 (Doc. A-102-04) 2291
 Colonial Avenue, 10421, (Ward 8) — American Community Developers, Inc., owner — appeal
 adopted on 11/17/04 (Doc. A-106-04) 2291
 East 105th Street, 594, (Ward 8) — American Community Developers, Inc., owner — appeal
 adopted on 11/17/04 (Doc. A-105-04) 2291
 East 12th Street, 1300, (Suite 2900), (Ward 13) — Minshall Development Co., owner —
 appeal adopted on 11/17/04 (Doc. A-111-04) 2291
 East 31st Street, 1537, (Ward 13) — Pak Sun Lui, owner — appeal adopted on 11/17/04
 (Doc. A-89-04) 2291
 East 31st Street, 3659, (Ward 3) — Rysar Properties, Inc., owner — appeal adopted
 on 11/17/04 (Doc. A-96-04) 2291
 East 90th Street, 797, (Ward 8) — American Community Developers, Inc., owner —
 appeal adopted on 11/17/04 (Doc. A-101-04) 2291
 East 9th Street, 1301, (12th and 13th floors), (Ward 13) — Minshall Development Co.,
 owner — appeal adopted on 11/17/04 (Doc. A-110-04) 2291
 East 9th Street, 799, (Ward 8) — American Community Developers, Inc., owner — appeal
 adopted on 11/17/04 (Doc. A-107-04) 2291
 Elk Avenue, 10318, (Ward 8) — American Community Developers, Inc., owner — appeal adopted
 on 11/17/04 (Doc. A-103-04) 2291
 Elk Avenue, 10322, (Ward 8) — American Community Developers, Inc., owner — appeal adopted
 on 11/17/04 (Doc. A-100-04) 2291
 Elk Avenue, 10400, (Ward 8) — American Community Developers, Inc., owner — appeal adopted
 on 11/17/04 (Doc. A-104-04) 2291
 Euclid Avenue, 308, (Ward 13) — MRN Ltd., owner — appeal adopted on 11/17/04
 (Doc. A-108-04) 2291

Euclid Avenue, 9211, (Ward 6) — Cleveland Clinic Foundation, owner — appeal resolved on 11/17/04 (Doc. A-113-04)	2291
Literary Road, 806, (Ward 13) — Tom Leneghan, owner — appeal resolved on 11/17/04 (Doc. A-81-04)	2290
South Waterloo Road, 15500, (Ward 11) — Cleveland Food Bank, owner — appeal resolved on 11/17/04 (Doc. A-114-04)	2291
West 6th Street, 1213, (Ward 13) — Flo Cafe, LLC, owner — appeal resolved on 11/17/04 (Doc. A-116-04)	2291
West Prospect Avenue, 230, (Ward 13) — Forest City Commercial Group, owner — appeal resolved on 11/17/04 (Doc. A-119-04)	2291

Board of Control — Burke Lakefront Airport Division

Parking and landing fees for aircraft — per C.O. Sec. 571.85 and 139.051 — amend BOC Res. 19-04 — Dept. of Port Control (BOC Res. 653-04)	2288
---	------

Board of Control — Cleveland Hopkins International Airport Division

Design services for Runway 10-28 safety improvements — contract per Ord. 2376-02 to R.W. Armstrong — Dept. of Port Control (BOC Res. 651-04)	2288
Parking and landing fees for aircraft — per C.O. Sec. 571.85 and 139.051 — amend BOC Res. 19-04 — Dept. of Port Control (BOC Res. 653-04)	2288

Board of Control — Cleveland Public Power Division

Automotive and truck parts and services — rescind BOC Res. 620-04 — reject all bids — Dept. of Public Utilities (BOC Res. 642-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Consolidated Electrical Distributors, Inc., d.b.a., Leader Electric Supply, Inc. — Dept. of Public Utilities (BOC Res. 644-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Electric Laboratories and Sales Corporation, a Hughes Supply, Co. — Dept. of Public Utilities (BOC Res. 647-04)	2287
Streetlighting materials — contract per Ord. 1630-92 to Graybar Electric Co., Inc. — Dept. of Public Utilities (BOC Res. 643-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Reed City Powr Line Supply, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 645-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Wesco Distribution, Inc. — Dept. of Public Utilities (BOC Res. 646-04)	2287
Streetlighting materials — per Ord. 1630-92 — bids rejected — Dept. of Public Utilities (BOC Res. 648-04)	2287

Board of Control — Engineering and Construction Division

Plaza at Huron Point improvements — amend BOC Res. 694-03, 383-04 — Dept. of Public Service (BOC Res. 654-04)	2288
---	------

Board of Control — Kenneth L. Johnson Recreation Center

Outdoor pool and waterslide improvements — amend BOC Res. 502-04 — Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 655-04)	2289
--	------

Board of Control — Parks, Recreation and Properties Department

Kenneth L. Johnson Recreation Center outdoor pool and waterslide improvements — amend BOC Res. 502-04 — Division of Research, Planning and Development (BOC Res. 655-04)	2289
--	------

Board of Control — Port Control Department

Design services for Runway 10-28 safety improvements — contract per Ord. 2376-02 to R.W. Armstrong — Division of Cleveland Hopkins International Airport (BOC Res. 651-04)	2288
Information technology security services design, install and integrate — contract per Ord. 989-04 to Hurricane Labs, Inc. (BOC Res. 652-04)	2288
Parking and landing fees for aircraft — per C.O. Sec. 571.85 and 139.051 — amend BOC Res. 19-04 — Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport (BOC Res. 653-04)	2288

Board of Control — Professional Service Contracts

Design services for Runway 10-28 safety improvements — contract per Ord. 2376-02 to R.W. Armstrong — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 651-04)	2288
Information technology security services design, install and integrate — contract per Ord. 989-04 to Hurricane Labs, Inc. — Dept. of Port Control (BOC Res. 652-04)	2288

Board of Control — Public Improvement Contracts

Kenneth L. Johnson Recreation Center outdoor pool and waterslide improvements — amend BOC Res. 502-04 — Division of Research, Planning and Development, Dept. of Parks, Recreation and Properties (BOC Res. 655-04)	2289
Plaza at Huron Point improvements — amend BOC Res. 694-03, 383-04 — Division of Engineering and Construction, Dept. of Public Service (BOC Res. 654-04)	2288

Board of Control — Public Service Department

Plaza at Huron Point improvements — amend BOC Res. 694-03, 383-04 — Division of Engineering and Construction (BOC Res. 654-04)	2288
--	------

Board of Control — Public Utilities Department

Automotive and truck parts and services — rescind BOC Res. 620-04 — reject all bids — Division of Cleveland Public Power (BOC Res. 642-04)	2286
Fire hydrants (Area A) — contract per Ord. 1002-03 to Libby Construction Co., Inc. — Division of Water (BOC Res. 650-04)	2287
Streetlighting materials — contract per Ord. 1630-92 to Consolidated Electrical Distributors, Inc., d.b.a., Leader Electric Supply, Inc. — Division of Cleveland Public Power (BOC Res. 644-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Electric Laboratories and Sales Corporation, a Hughes Supply, Co. — Division of Cleveland Public Power (BOC Res. 647-04)	2287
Streetlighting materials — contract per Ord. 1630-92 to Graybar Electric Co., Inc. — Division of Cleveland Public Power (BOC Res. 643-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Reed City Powr Line Supply, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 645-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Wesco Distribution, Inc. - Division of Cleveland Public Power (BOC Res. 646-04)	2287
Streetlighting materials — per Ord. 1630-92 — bids rejected — Division of Cleveland Public Power (BOC Res. 648-04)	2287
Waste disposal, hazardous and non-hazardous — contract per Ord. 2316-03 to Clean Harbors Environmental Services, Inc. — Division of Water (BOC Res. 649-04)	2287

Board of Control — Requirement Contracts

Automotive and truck parts and services — rescind BOC Res. 620-04 — reject all bids — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 642-04)	2286
Fire hydrants (Area A) — contract per Ord. 1002-03 to Libby Construction Co., Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 650-04)	2287
Streetlighting materials — contract per Ord. 1630-92 to Consolidated Electrical Distributors, Inc., d.b.a., Leader Electric Supply, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 644-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Electric Laboratories and Sales Corporation, a Hughes Supply, Co. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 647-04)	2287
Streetlighting materials — contract per Ord. 1630-92 to Graybar Electric Co., Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 643-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Reed City Powr Line Supply, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 645-04)	2286
Streetlighting materials — contract per Ord. 1630-92 to Wesco Distribution, Inc. - Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 646-04)	2287
Waste disposal, hazardous and non-hazardous — contract per Ord. 2316-03 to Clean Harbors Environmental Services, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 649-04)	2287

Board of Control — Research, Planning and Development Division

Kenneth L. Johnson Recreation Center outdoor pool and waterslide improvements — amend BOC Res. 502-04 — Dept. of Parks, Recreation and Properties (BOC Res. 655-04)	2289
---	------

Board of Control — Water Division

Fire hydrants (Area A) — contract per Ord. 1002-03 to Libby Construction Co., Inc. — Dept. of Public Utilities (BOC Res. 650-04)	2287
Waste disposal, hazardous and non-hazardous — contract per Ord. 2316-03 to Clean Harbors Environmental Services, Inc. — Dept. of Public Utilities (BOC Res. 649-04)	2287

Board of Zoning Appeals — Report

Bridge Avenue, 5001, (Ward 17) — Victor and Sonia Sanchez, owners — appeal granted and adopted on 11/22/04 (Cal. 04-208)	2290
Bridge Avenue, 5718, (Ward 17) — Norma Rodriguez, owner — appeal heard on 11/22/04 (Cal. 04-233)	2290
Broadview Road, 2202, (Ward 15) — Speedway SuperAmerica, owner c/o John Dzwonczyk — appeal granted and adopted on 11/22/04 (Cal. 04-143)	2290
Buckeye Road, 11920, (Ward 4) — Mattie and Joe Hemphill, d.b.a., Little Rascals Day Care Center, owner — appeal heard on 11/22/04 (Cal. 04-219)	2290
Buckeye Road, 12814, (Ward 4) — Helen Barclay Jones, owner and Letha Moore, tenant — appeal heard on 11/22/04 (Cal. 04-287)	2290
Dale Avenue, 10517, (Ward 19) — Quoc Nguyen, owner — appeal heard on 11/22/04 (Cal. 04-256)	2290
East 63rd Street, 3034, (Ward 12) — Hyacinth Lofts Ltd., owner, c/o Tom Knapp, agent — appeal heard on 11/22/04 (Cal. 04-252)	2290
Hale Avenue, 14704, (Ward 10) — Byron Thomas, owner — appeal granted and adopted on 11/22/04 (Cal. 04-250)	2290
Lorain Avenue, 15709, (Ward 21) — Tracy Brown, owner and Angela Paluch, tenant — appeal denied and adopted on 11/22/04 (Cal. 04-249)	2290
Miles Avenue, 11507, (Ward 2) — New Joshua Baptist Church, c/o Pastor Walter Humphrey, owner — appeal heard on 11/22/04 (Cal. 04-226)	2290
Munn Road, 16200, (Ward 21) — William and Donna Trunko, owners — appeal granted and adopted on 11/22/04 (Cal. 04-254)	2290
Nelson Avenue, 9710, (Ward 2) — Carl Davis, owner — appeal heard on 11/22/04 (Cal. 04-257)	2290
Sprecher Avenue, 13221, (Ward 20) — Bobby and Thelma Conley, owners — appeal granted and adopted on 11/22/04 (Cal. 04-253)	2290
Triskett Road, 14024-26, (Ward 19) — Mark DeVault, d.b.a., Casey Jones Tavern, owner — appeal postponed to 12/13/04 on 11/22/04 (Cal. 04-258)	2290
West 130th Street, 4748, (Ward 20) — Gary Hasrouni, owner — appeal heard on 11/22/04 (Cal. 04-255)	2290
West 25th Street, 2487, (Ward 14) — George Sass, owner — appeal to be re-heard on 12/6/04 (Cal. 04-193)	2289
Woodland Avenue, 3500, (Ward 5) — Neal Desatnik, owner — appeal granted and adopted on 11/22/04 (Cal. 04-205)	2290

Board of Zoning Appeals — Schedule

Broadway Avenue, 8245, (Ward 2) — Anthony Konopinski, owner — appeal to be heard on 12/6/04 (Cal. 04-289)	2289
East 137th Street, 4274, (Ward 1) — Shirley Boger, owner — appeal to be heard on 12/6/04 (Cal. 04-292)	2289
East 9th Street, 1301, (Ward 13) — Erieview Land Company, LLC a.k.a., Minshall Development Company, owner, c/o Aaron Rupert, agent — appeal to be heard on 12/6/04 (Cal. 04-290)	2289
Fulton Road, 3262, (Ward 14) — Michel and Ava Farivar, owners — appeal to be heard on 12/6/04 (Cal. 04-264)	2289
Helena Avenue, 10504, (Ward 8) — Glenville New Life Community Church and Pastor Rick Gillespie, owner — appeal to be heard on 12/6/04 (Cal. 04-291)	2289
Tillman Avenue, 4912, (Ward 17) — Courtney Rice, owner — appeal to be heard on 12/6/04 (Cal. 04-288)	2289

Camp George L. Forbes

Summer Food Program 2005 — grant — Ohio Department of Education (O 2245-04)	2272
--	------

Case Western Reserve University

Tony Bush Field — improvements — property adoption agreement (O 2247-04)	2273
---	------

City of Cleveland Bids

Estabrook Park and Loew Park site improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 1748-99, 1728-2000 — bid due December 1, 2004 (advertised 11/17/2004 and 11/24/2004)	2292
Euclid Avenue rehabilitation — Department of Public Service — Division of Engineering and Construction — per Ord. 2330-03 — bid due December 3, 2004 (advertised 11/17/2004 and 11/24/2004)	2292
Industrial paper products and cloth wipers — Department of Finance — per Ord. 1658-04 - bid due December 8, 2004 (advertised 11/17/2004 and 11/24/2004)	2292
Line and street lighting materials — FRE conduit and fittings — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 1630-92 — bid due December 16, 2004 (advertised 11/17/2004 and 11/24/2004)	2292
Medical supplies for first responder runs — Department of Public Safety — Division of Fire — per Ord. 1007-04 — bid due December 9, 2004 (advertised 11/17/2004 and 11/24/2004)	2292
Monitor, multi-gas (iTX) — Department of Public Safety — Division of Fire — per Ord. 1012-03 — bid due December 9, 2004 (advertised 11/17/2004 and 11/24/2004)	2292
West 105th Street rehabilitation (Bellaire Road to Lorain Avenue) — Department of Public Service — Division of Engineering and Construction — per Ord. 1980-02, 2330-03 — bid due December 10, 2004 (advertised 11/24/2004 and 12/1/2004)	2292
West 139th Street storm relief sewer project — Department of Public Utilities — Division of Water Pollution Control — per Ord. 840-04 — bid due December 9, 2004 (advertised 11/24/2004 and 12/1/2004)	2292

Cleveland Foundation

Successful Aging Elder Friendly Communities Project — grant (O 2124-04)	2285
--	------

Cleveland Hopkins International Airport

Airport Expansion Program — amendment to Contract No. 53694 — Parsons Infrastructure and Technology Group, Inc. (O 2236-04)	2270
--	------

Cleveland Housing Network

Write-down grants — contracts — houses purchased from HUD — (O 2013-04)	2285
W. 47th & W. 49th Sts. — Land Reutilization Program (O 2254-04)	2275

Cleveland Metropolitan Housing Authority

Community and Supportive Services Program — Valleyview Homes HOPE VI project — lease certain property (O 2242-04)	2272
--	------

Cleveland Municipal Court

Cuyahoga County Public Defender Commission — contract — legal services (O 2249-04)	2274
Court Community Service — contracts — community service (O 2250-04)	2274

Cleveland Public Power

Landscaping and snow removal service — various locations (O 2009-04)	2285
--	------

Community Development

Cleveland Housing Network — contracts — write-down grants — houses purchased from HUD — (O 2013-04)	2285
E. 131st St. — Land Reutilization Program — Eleanore R. Barrett (O 1290-04)	2295
E. 143rd St. & Maplerow Ave. — Land Reutilization Program — Lenzie Dantigance (O 2070-04)	2300
E. 68th St. — Land Reutilization Program — The Inner City Development and Personal Growth Foundation (O 1280-04)	2285
Homeless assistance activities — contracts — various non-profit agencies — Community Development (O 1492-04)	2285
Lorain Ave., 16800 — appropriate property — redevelopment (O 2014-04)	2297
Prince Ave. — Land Reutilization Program — Parenthia Flonnoy (O 2253-04)	2275
St. Luke's Hospital — 11311 Shaker Blvd. — remediation and demolition — Clean Ohio Assistance Grant — State of Ohio's Clean Ohio Assistance Fund (O 2060-04)	2299
W. 20th St. — Land Reutilization Program — Breyerwood Homes, LLC. (O 1508-04)	2296
W. 47th & W. 49th Sts. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 2254-04)	2275
W. 7th St. — Land Reutilization Program — Parkhill Associates (O 2063-04)	2299

Condolences

Allen, Raymond (R 2269-04)	2269
Ashford, Alice Eleanor (R 2268-04)	2269
Mell, Robert Henry (R 2267-04)	2269

Congratulations

Cleveland Women's Council of the National Association of Real Estate Brokers (R 2272-04)	2269
Lutheran Chaplaincy Service (R 2271-04)	2269
Smith, Annie (R 2270-04)	2269

Contracts

Airport Expansion Program — amendment to Contract No. 53694 — Parsons Infrastructure and Technology Group, Inc. — Cleveland Hopkins International Airport (O 2236-04)	2270
Betty Montgomery, Ohio State Auditor — assessment — 2004 financial statements — Divisions of Water and Taxation (O 2051-04)	2298
Cleveland Housing Network — write-down grants — houses purchased from HUD — (O 2013-04)	2285
Cleveland Municipal Court — legal services — Cuyahoga County Public Defender Commission (O 2249-04)	2274
Continental Airlines, Inc. — Memorandum of Understanding — amendment to Contract No. 38171 (O 1961-04)	2297
Detroit Ave., 10307 — improvements — The Kemper Company (O 2248-04)	2273
Homeless assistance activities — various non-profit agencies — Community Development (O 1492-04)	2285
WPS Energy Services, Inc. — retail electric aggregation services and power supply — 2006-2008 program (O 2196-04)	2285

County Auditor

Cuyahoga County Budget Commission — accepting the amounts and rates as determined (R 2126-04)	2286
--	------

County Budget Commission

Cuyahoga County Budget Commission — accepting the amounts and rates as determined (R 2126-04)	2286
--	------

Cuyahoga County

Immunization Action Plan Program 2005 — grant — Cuyahoga County Board of Health (O 2244-04)	2272
Solid Waste Disposal Program 2005 — grant — Cuyahoga County Solid Waste District (O 2243-04)	2272

Dominion East Ohio

Rate increase — opposition — Dominion East Ohio Gas Company and Columbia Gas of Ohio, Inc. (R 2212-04)	2293
---	-------------

Economic Development Department

Detroit Ave., 10307 — improvements — The Kemper Company — contract (O 2248-04)	2273
IntelliNet Enterprise Management Services Corporation — grant agreement — relocation costs — 1255 Euclid Ave. (O 2017-04)	2298

Finance Department

Betty Montgomery, Ohio State Auditor — contracts — assessment — 2004 financial statements — Divisions of Water and Taxation (O 2051-04)	2298
Cleveland Municipal Court — contract — legal services — Cuyahoga County Public Defender Commission (O 2249-04)	2274
Cleveland Municipal Court — contracts — community service — Court Community Service (O 2250-04)	2274
Corporate sponsorships for City facilities — study, assess, market, and sell — professional services — amend Ord. No. 2136-03 (O 2235-04)	2270
Cuyahoga County Budget Commission — accepting the amounts and rates as determined (R 2126-04)	2286
Payrolls and other ordinary expenses — temporary appropriations — fiscal year ending December 31, 2005 (O 2255-04)	2276

Grants

Camp George L. Forbes — 2005 Summer Food Program — Ohio Department of Education (O 2245-04)	2272
Canal Basin Park Program — U. S. Department of Commerce, National Oceanic and Atmospheric Administration (O 1850-04)	2297
Cleveland Infant Mortality Reduction Initiative Project — Ohio Department of Health (O 2058-04)	2285
Cuyahoga Regional Response Team Program — State of Ohio, Homeland Security (O 1269-04)	2286
Immunization Action Plan Program 2005 — Cuyahoga County Board of Health (O 2244-04)	2272
Inner City Tree Planting Program, 2004 — Ohio Department of Natural Resources (O 2059-04)	2298
Sisters of Charity Flu Vaccine Program — St. Luke's Flu Vaccine Program — Sisters of Charity and St. Luke's Foundations (O 2251-04)	2283
Solid Waste Disposal Program 2005 — Cuyahoga County Solid Waste District (O 2243-04)	2272
St. Luke's Hospital — 11311 Shaker Blvd. — remediation and demolition — Clean Ohio Assistance Grant — State of Ohio's Clean Ohio Assistance Fund (O 2060-04)	2299
STD Control Grant Gonorrhea Screening Project — Ohio Department of Health (O 1848-04)	2285
Successful Aging Elder Friendly Communities Project — Cleveland Foundation (O 2124-04)	2285

Health Centers

Elevators — maintain and repair — various city health centers (O 1668-04)	2285
Public improvements — various health centers — amend Ord. No. 421-02 (O 2257-04)	2283

Health Department

Air Quality Division — vehicle-storage parking — 9111 and 9119 Miles Ave. — lease space — Dominic Festa (O 2252-04)	2274
Cleveland Infant Mortality Reduction Initiative Project — grant — Ohio Department of Health (O 2058-04)	2285
Community and Supportive Services Program — Valleyview Homes HOPE VI project — lease certain property — CMHA (O 2242-04)	2272
Elevators — maintain and repair — various city health centers (O 1668-04)	2285
Health centers — public improvements — amend Ord. No. 421-02 (O 2257-04)	2283
Immunization Action Plan Program 2005 — grant — Cuyahoga County Board of Health (O 2244-04)	2272
Miles Rd., 23860, Unit K — lease property — garage and office space — Cleveland House of Corrections (O 2240-04)	2271
Sisters of Charity Flu Vaccine Program — St. Luke's Flu Vaccine Program — grants — Sisters of Charity and St. Luke's Foundations (O 2251-04)	2283
Solid Waste Disposal Program 2005 — grant — Cuyahoga County Solid Waste District (O 2243-04)	2272
STD Control Grant Gonorrhea Screening Project — grant — Ohio Department of Health (O 1848-04)	2285
Tremont Health Center — lease certain property — Neighborhood Health Care Inc. dba Neighborhood Family Practice (O 2241-04)	2271

House of Corrections

Miles Rd., 23860, Unit K — lease property — garage and office space (O 2240-04)	2271
---	------

Housing

Insurance companies — housing discrimination charges — appellee to produce certain documents and evidence (R 2214-04)	2294
--	------

Housing and Urban Development (HUD)

Cleveland Housing Network — contracts — write-down grants — houses purchased from HUD — (O 2013-04)	2285
--	------

Insurance

Housing discrimination charges — insurance companies — appellee to produce certain documents and evidence (R 2214-04)	2294
--	------

Land Reutilization Program

E. 131st St. — Eleanore R. Barrett (O 1290-04)	2295
E. 143rd St. & Maplerow Ave. — Lenzie Dantigance (O 2070-04)	2300
E. 68th St. — The Inner City Development and Personal Growth Foundation (O 1280-04)	2285
Prince Ave. — Parenthia Flonnoy (O 2253-04)	2275
W. 20th St. — Breyerwood Homes, LLC. (O 1508-04)	2296
W. 47th & W. 49th Sts. — Cleveland Housing Network, Inc. (O 2254-04)	2275
W. 7th St. — Parkhill Associates (O 2063-04)	2299

Leases

Air Quality Division — vehicle-storage parking — 9111 and 9119 Miles Ave. — lease space — Dominic Festa (O 2252-04)	2274
Community and Supportive Services Program — Valleyview Homes HOPE VI project — lease certain property — CMHA (O 2242-04)	2272
Miles Rd., 23860, Unit K — lease property — garage and office space — Cleveland House of Corrections (O 2240-04)	2271
Tremont Health Center — lease certain property — Neighborhood Health Care Inc. dba Neighborhood Family Practice (O 2241-04)	2271
YMCA of Greater Cleveland — donation of real property and improvements — Miles Ave. Family YMCA — Union Miles Development Corporation — lease (O 2256-04)	2282

Liquor Permits

Broadview Rd., 2145 — transfer (Ward 15) (F 2265-04).....	2269
Detroit Ave., 2814 — transfer (Ward 13) (F 2263-04)	2269
E. 140th St., 3918 — objection — withdraw (Ward 3) (R 2261-04)	2284
E. 4th St., 2120 — transfer (Ward 13) (F 2264-04)	2269
Lorain Ave., 11120 & 24 — Lorain Ave., 11118 — objection (Ward 19) (R 2213-04)	2294
Pearl Rd., 3753 — objection — withdraw (Ward 15) (R 2260-04)	2284
St. Clair Ave., 7502 — objection (Ward 8) (R 2262-04)	2284
Woodland Ave., 10716 — transfer — objection (Ward 6) (R 2259-04)	2284

Memoranda of Understanding

Continental Airlines, Inc. — amendment to Contract No. 38171 (O 1961-04)	2297
---	-------------

Ohio Department of Education

Camp George L. Forbes — 2005 Summer Food Program — grant (O 2245-04)	2272
---	------

Ohio Department of Natural Resources

Inner City Tree Planting Program, 2004 — grant (O 2059-04)	2298
--	-------------

Ohio Department of Public Health

Cleveland Infant Mortality Reduction Initiative Project — grant (O 2058-04)	2285
STD Control Grant Gonorrhea Screening Project — grant (O 1848-04).....	2285

Parks

Ansel Rd. near Korman Ave. — appropriate property — develop a park (R 1966-04)	2292
Lakeshore Blvd., 16300 — appropriate property — park and recreational purposes — repeal Res. No. 2254-02 (R 2018-04)	2292

Parks, Recreation and Properties Department

Ansel Rd. near Korman Ave. — appropriate property — develop a park (R 1966-04)	2292
Camp George L. Forbes — 2005 Summer Food Program — grant — Ohio Department of Education (O 2245-04)	2272
Canal Basin Park Program — grant — U. S. Department of Commerce, National Oceanic and Atmospheric Administration (O 1850-04)	2297
Collinwood area — all weather track and football-field complex — supplement Ord. No. 2243-03 (O 1670-04)	2296
Great Lakes Brewing Co. Inc. — property-adoption agreement — greenhouse — Fairview Park — W. 38th St. & Franklin Ave. (O 1490-04).....	2296
Inner City Tree Planting Program, 2004 — grant — Ohio Department of Natural Resources (O 2059-04)	2298
Lakeshore Blvd., 16300 — appropriate property — park and recreational purposes — repeal Res. No. 2254-02 (R 2018-04)	2292
Neighborhood Leadership Institute — amend the agreement — educational, recreational, and cultural programs — various school buildings (O 2246-04)	2273
Tony Bush Field — improvements — Case Western Reserve University — property adoption agreement (O 2247-04)	2273
YMCA of Greater Cleveland — donation of real property and improvements — Miles Ave. Family YMCA — Union Miles Development Corporation — lease (O 2256-04)	2282

Permits

House of Blues Cleveland, LLC — temporary public right-of-way occupancy permit — outdoor restaurant (O 2200-04).....	2270
---	------

Plats

Old Grayton Road — Dedication Plat — authorizing the Mayor to sign (R 2238-04)	2282
---	------

Port Control Department

Airport Expansion Program — amendment to Contract No. 53694 — Parsons Infrastructure and Technology Group, Inc. — Cleveland Hopkins International Airport (O 2236-04)	2270
Automatic doors — maintain and repair — various divisions (O 2237-04)	2270
Continental Airlines, Inc. — Memorandum of Understanding — amendment to Contract No. 38171 (O 1961-04)	2297

Recognition

Hamilton Miles, Ellen Flynn (R 2278-04)	2270
Harper, Constance (R 2273-04)	2269
House, Michael A. (R 2274-04)	2270
Lenear, John H. (R 2276-04)	2270
Morrison, Paula D. (R 2277-04)	2270
Nelson, Michael L. (R 2275-04)	2270

Resolutions — Miscellaneous

Dominion East Ohio Gas Company and Columbia Gas of Ohio, Inc. — opposing the proposed rate increase (R 2212-04)	2293
Insurance companies — housing discrimination charges — appellee to produce certain documents and evidence (R 2214-04)	2294
Noise walls on highways — construction — urging the state of Ohio (R 2258-04)	2283
Stockyard Redevelopment Organization — Stock Development Company — Council's support — affordable housing (R 2215-04)	2295
Sudanese villagers — condemning atrocities committed by the Janjaweed — urging U. S. Government to support the African Union (R 2211-04)	2293

Right-of-Way

House of Blues Cleveland, LLC — temporary public right-of-way occupancy permit — outdoor restaurant (O 2200-04)	2270
--	------

Safety Department

Cuyahoga Regional Response Team Program — grant — State of Ohio, Homeland Security (O 1269-04)	2286
---	------

Salaries

Payrolls and other ordinary expenses — temporary appropriations — fiscal year ending December 31, 2005 (O 2255-04)	2276
---	------

Service Department

Fire Tower & Fire Academy HVAC Replacement Project — Contract No. 62731 — Public Service (F 2266-04)	2269
House of Blues Cleveland, LLC — temporary public right-of-way occupancy permit — outdoor restaurant (O 2200-04)	2270
Old Grayton Road — Dedication Plat — authorizing the Mayor to sign (R 2238-04)	2282
Old Grayton Road, S.W. — vacate a portion (R 2239-04)	2282

State of Ohio

Noise walls on highways — construction — urging the state of Ohio (R 2258-04)	2283
--	------

Statement of Work Acceptance

Fire Tower & Fire Academy HVAC Replacement Project — Contract No. 62731 — Public Service (F 2266-04)	2269
--	------

STD Control Program

Grant — STD Control Grant Gonorrhoea Screening Project — Ohio Department of Health (O 1848-04)	2285
--	------

Street Vacation

Old Grayton Road, S.W. — vacate a portion (R 2239-04)	2282
---	------

Taxation Division

Betty Montgomery, Ohio State Auditor — contracts — assessment — 2004 financial statements — Divisions of Water and Taxation (O 2051-04)	2298
---	------

Union-Miles Development Corporation

YMCA of Greater Cleveland — donation of real property and improvements — Miles Ave. Family YMCA — Union Miles Development Corporation — lease (O 2256-04)	2282
---	------

United States Department of Commerce

Canal Basin Park Program — grant — U. S. Department of Commerce, National Oceanic and Atmospheric Administration (O 1850-04)	2297
--	------

United Way Services

Collinwood area — all weather track and football-field complex — supplement Ord. No. 2243-03 (O 1670-04)	2296
--	------

Utilities Department

Adelphia's Proposed Monthly Network Upgrade Surcharge — disapproving (O 2209-04)	2286
Landscaping and snow removal service — various locations — Cleveland Public Power (O 2009-04)	2285
WPS Energy Services, Inc. — contract — retail electric aggregation services and power supply — 2006-2008 program (O 2196-04)	2285

Ward 01

Ashford, Alice Eleanor — condolence (R 2268-04)	2269
E. 143rd St. & Maplerow Ave. — Land Reutilization Program — Lenzie Dantigance (O 2070-04)	2300
Hamilton Miles, Ellen Flynn — recognition (R 2278-04)	2270
Smith, Annie — congratulation (R 2270-04)	2269

Ward 02

E. 131st St. — Land Reutilization Program — Eleanore R. Barrett (O 1290-04)	2295
Prince Ave. — Land Reutilization Program — Parenthia Flonnoy (O 2253-04)	2275
YMCA of Greater Cleveland — donation of real property and improvements — Miles Ave. Family YMCA — Union Miles Development Corporation — lease (O 2256-04)	2282

Ward 03

E. 140th St., 3918 — objection — withdraw — liquor permit (R 2261-04)	2284
Mell, Robert Henry — condolence (R 2267-04)	2269

Ward 05

Cleveland Women's Council of the National Association of Real Estate Brokers — congratulation (R 2272-04).....	2269
Harper, Constance — recognition (R 2273-04).....	2269
House, Michael A. — recognition (R 2274-04).....	2270
Lenear, John H. — recognition (R 2276-04).....	2270
Morrison, Paula D. — recognition (R 2277-04).....	2270
Nelson, Michael L. — recognition (R 2275-04).....	2270

Ward 06

Woodland Ave., 10716 — transfer — objection — liquor permit (R 2259-04).....	2284
--	------

Ward 07

E. 68th St. — Land Reutilization Program — The Inner City Development and Personal Growth Foundation (O 1280-04).....	2285
--	------

Ward 08

Ansel Rd. near Korman Ave. — appropriate property — develop a park (R 1966-04).....	2292
St. Clair Ave., 7502 — objection — liquor permit (R 2262-04).....	2284

Ward 09

Cleveland Women's Council of the National Association of Real Estate Brokers — congratulation (R 2272-04).....	2269
---	------

Ward 10

Collinwood area — all weather track and football-field complex — supplement Ord. No. 2243-03 (O 1670-04).....	2296
--	------

Ward 11

Lakeshore Blvd., 16300 — appropriate property — park and recreational purposes — repeal Res. No. 2254-02 (R 2018-04).....	2292
--	------

Ward 13

Community and Supportive Services Program — Valleyview Homes HOPE VI project — lease certain property — CMHA (O 2242-04).....	2272
Detroit Ave., 2814 — transfer — liquor permit (F 2263-04).....	2269
E. 4th St., 2120 — transfer — liquor permit (F 2264-04).....	2269
Great Lakes Brewing Co. Inc. — property-adoption agreement — greenhouse — Fairview Park — W. 38th St. & Franklin Ave. (O 1490-04).....	2296
House of Blues Cleveland, LLC — temporary public right-of-way occupancy permit — outdoor restaurant (O 2200-04).....	2270
Tremont Health Center — lease certain property — Neighborhood Health Care Inc. dba Neighborhood Family Practice (O 2241-04).....	2271
W. 7th St. — Land Reutilization Program — Parkhill Associates (O 2063-04).....	2299

Ward 14

Lutheran Chaplaincy Service — congratulation (R 2271-04).....	2269
W. 20th St. — Land Reutilization Program — Breyerwood Homes, LLC. (O 1508-04).....	2296

Ward 15

Broadview Rd., 2145 — transfer — liquor permit (F 2265-04).....	2269
Pearl Rd., 3753 — objection — withdraw — liquor permit (R 2260-04).....	2284

Ward 16

W. 47th & W. 49th Sts. — Land Reutilization Program — Cleveland Housing Network, Inc.
(O 2254-04) 2275

Ward 17

Allen, Raymond — condolence (R 2269-04) 2269
Stockyard Redevelopment Organization — Stock Development Company — Council's support
— affordable housing (R 2215-04) **2295**

Ward 19

Detroit Ave., 10307 — improvements — The Kemper Company — contract
(O 2248-04) 2273
Lorain Ave., 11120 & 24 — Lorain Ave., 11118 — objection — liquor permit
(R 2213-04) **2294**
Rexhep Qemal Meidani — welcome (R 2279-04) 2270

Ward 20

Old Grayton Road — Dedication Plat — authorizing the Mayor to sign
(R 2238-04) 2282
Old Grayton Road, S.W. — vacate a portion (R 2239-04) 2282

Ward 21

Lorain Ave., 16800 — appropriate property — redevelopment (O 2014-04) **2297**

Water Division

Betty Montgomery, Ohio State Auditor — contracts — assessment — 2004 financial
statements — Divisions of Water and Taxation (O 2051-04) **2298**

Welcome

Rexhep Qemal Meidani (R 2279-04) 2270

Young Men's Christian Association

Miles Ave. Family YMCA — donation of real property and improvements — Union Miles
Development Corporation — lease (O 2256-04) 2282