

The City Record

Official Publication of the Council of the City of Cleveland



September the Fourteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – 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 Teresa M. Beasley, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, SEPTEMBER 14, 2005

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CITY COUNCIL

MONDAY, SEPTEMBER 12, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; Reed, Sweeney, Westbrook.
Personnel and Operations Committee: Zone, Chairman; Britt, Cimperman, Coats, Pierce Scott.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Wednesday, September 12, 2005

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

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

Also present were Directors Beasley, Baker, Ciaccia, Ricchiuto, Carroll, Watson, N. Ronayne, Routen, Huth, Fumich, Johnson, and Margaret Jackson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Jose Reyes of Iglesia Nueva Vida, located at 2327 Holmden Avenue in Ward 14. Pledge of Allegiance.

MOTION

On the motion of Council Member Sweeney, the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Reed.

COMMUNICATION

File No. 1630-05.

August 10, 2005

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

Dear President Jackson,

Due to unfortunate circumstances, I must regrettfully tender my resignation as Councilman of Ward 1.

It has been an honor and a privilege for me to serve the City of Cleveland and the constituents of my Ward. I am eternally grateful to have had the opportunity to serve.

In the future I shall continue to support the good works of the Cleveland City Council as it endeavors to serve the City of Cleveland and its citizens.

Respectfully,
Joseph Jones
Councilman, Ward 1

Received.

Resignation Letter of Joseph Jones was received on Wednesday, August 10, 2005, at 4:58 P.M.

ELECTION TO FILL VACANCY IN WARD 1

The Clerk of Council read a letter of resignation from Council Member Joseph T. Jones of Ward 1. The President of Council accepted the resignation and declared a vacancy in Ward 1. Council Member Martin J. Sweeney nominated James Knight to serve as Council Member representing Ward 1. Without objection, the nominations were closed.

Thereupon, the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Council Member of Ward 1. Upon completion of the roll call, the Clerk announced that James Knight received 19 votes.

Those who voted for James Knight were Council Members: Jackson, Brady, Brancatelli, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Lipovan Holan, Johnson, Kelley, Lewis, Pierce Scott, Polensek,

Reed, Sweeney, Westbrook, White and Zone. Absent: Council Member Jones. The Chair declared James Knight, having received the unanimous vote of all the members elected to Council to be the duly elected Council Member of Ward 1.

The President requested Council Members Sweeney and Reed to escort the duly elected Member of Council to the podium to have the oath of office administered by Rev. William E. Sanders, of Lee Road Baptist Church.

Council Member Knight took his seat in the Council Chambers and thanked his family, friends and constituents and then assumed the duties of the Council, representing, Ward 1.

File No. 1697-05.

OATH OF OFFICE

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

I, **JAMES R. KNIGHT**, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of **WARD 1 REPRESENTATIVE OF CLEVELAND CITY COUNCIL**, of the City of Cleveland, State of Ohio, during my continuance in said office.

JAMES R. KNIGHT

Sworn to before me and subscribed in my presence this 12th day of September, 2005.

REBECCA K. SCHALTENBRAND
Notary Public, State of Ohio
My Commission Has No Expiration Date
Ohio Revised Code Section 147.03

Received.

COMMUNICATIONS

File No. 1698-05.

From First Energy — Letter of Notification — Jennings-Clark 138 kV Transmission Line Relocation for the Quigley Road Connector Project. Received.

File No. 1699-05.

From Case Western Reserve University — Case Magazine — Summer 2005. Received.

File No. 1700-05.

From University Circle Inc. — 2005 Events from July to September. Received.

File No. 1701-05.

From YWCA of Greater Cleveland — Summer 2005 issue, Our Voice eliminating racism, empowering women. Received.

File No. 1702-05.

From Acord Corporation — Certificate of Liability Insurance, Associated Estates Realty Corp; University. Received.

File No. 1703-05.

From Case Western Reserve University — Case's Impact Report 2005. Received.

File No. 1704-05.

From Acord Corporation — Certificate of Liability Insurance, Robert P. Madison International, Inc. Received.

File No. 1705-05.

From Clear Channel Outdoor — Contact information of all billboards owned and operated. Received.

File No. 1706-05.

From the Cleveland Theater District Development Corp. — notice of dissolution. Received.

File No. 1707-05.

From Governing magazine — July 2005 issue — State and Local Source Book 2005. Received.

File No. 1708-05.

From Center for Families and Children — 2004 Annual Report. Received.

File No. 1709-05.

From Cuyahoga Community College — Summer 2005 issue, Invest in People. Received.

File No. 1710-05.

From the Department of Public Utilities — Notice of Subsidiary Agreements, Contract No. PI 63933 AB, West 122nd Street Sewer Replacement. Received.

File No. 1711-05.

From the Ohio Department of Transportation — Project No. 6017(05), Adelbert Road. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1712-05.

Re: New Application — 6193754 — Mostopha Mechanic, Inc., 3869 East 71st Street. (Ward 12). Received.

File No. 1713-05.

Re: Transfer of Ownership Application — 2759413 — 5601 Clark Ave., Inc., d.b.a. Cleveland Food Market, 5601 Clark Avenue, first floor. (Ward 17). Received.

File No. 1714-05.

Re: Transfer of Ownership Application — 1572186 — Club Center Lounge, Inc., d.b.a. Club Center Lounge, 8800 Woodland Avenue, lower level. (Ward 4). Received.

File No. 1715-05.

Re: Transfer of Ownership Application — 1245725 — Captain's Market, Inc., 3179 Scranton Road, first floor front. (Ward 14). Received.

File No. 1716-05.

Re: Transfer of Ownership Application — 2127555 — Pasqualina Dibello, d.b.a. Dibello Tavern, 6601 Herman Avenue. (Ward 17). Received.

File No. 1717-05.

Re: Transfer of Ownership Application — 0833430 — Bop Stop Promotions LLC & patio, 2920 Detroit Avenue. (Ward 13). Received.

File No. 1718-05.

Re: Transfer of Ownership Application — 91900970005 — Dennis Valentin, d.b.a. Cleveland Coyote, 1187 Old River Road and patio. (Ward 13). Received.

File No. 1719-05.

Re: Transfer of Ownership Application — 2759350 — 5404 Storer AM, LLC, d.b.a. Economy Market, 5404 Storer Avenue, first floor and basement front. (Ward 17). Received.

File No. 1720-05.

Re: Transfer of Ownership Application — 6368876 — New Foundation Real Estate Investment Corp., 18029 Euclid Avenue. (Ward 10). Received.

File No. 1721-05.

Re: Transfer of Ownership Application — 1072929 — Buckeye Restaurant I LTD, 2082 E. Fourth Street and 323 Prospect Avenue. (Ward 13). Received.

File No. 1722-05.

Re: Transfer of Ownership Application — 9262365 — Yellow Store LLC, d.b.a. Sam's Food & Beverage, 625 East 140th Street, first floor. (Ward 10). Received.

File No. 1723-05.

Re: Transfer of Location Application — 92584600021 — Verona Enterprises, Inc., d.b.a. Shaker Square Beverages, 1228 Euclid Avenue, first floor unit 105. (Ward 13). Received.

File No. 1724-05.

Re: Transfer of Location Application — 24714900001 — Eleven Hundred Drops, LLC, d.b.a. Hilton Garden Inn, 1022 and 1100 Carnegie Avenue & 2419 E. Ninth Street. (Ward 13). Received.

File No. 1725-05.

Re: Transfer of Ownership and Location Application — 4405418 — Judson Corp., d.b.a. Judson Manor, 1890 East 107th Street. (Ward 6). Received.

File No. 1726-05.

Re: Transfer of Ownership and Location Application — 9271908 — View Cleveland, LLC, second floor and rooftop and deck, 618 Prospect Avenue. (Ward 13). Received.

File No. 1727-05.

Re: Stock Transfer Application — 3290405 — Good Time Tavern, Inc., d.b.a. Good Time Tavern, 5509 Fleet Avenue, first floor and basement. (Ward 12). Received.

File No. 1728-05.

Re: Stock Transfer Application — 3453183 — Guru Kirpa, Inc., d.b.a. Convenient Food Mart, 3753 Pearl Road. (Ward 15). Received.

STATEMENT OF WORK ACCEPTED

File No. 1729-05.

From the Department of Public Utilities — Contract No. 62831 — Utilicon Corporation, Cleaning and Lining 2004-Area A, completed and accepted July 1, 2005. Received.

File No. 1730-05.

From the Department of Public Utilities — Contract No. 61919A, Water Main Repair Special Phase 1A, Fabrizi, completed and accepted June 13, 2005. Received.

File No. 1731-05.

From the Department of Public Utilities — Contract No. 62563A, Independence Excavating, Inc., completed and accepted June 30, 2005. Received.

File No. 1732-05.

From the Department of Parks, Recreation and Properties — Contract No. 64049, Loew Park Site Improvements, completed and accepted June 10, 2005. Received.

File No. 1733-05.

From the Department of Parks, Recreation and Properties — Contract No. 62764, Glenville Recreation and Center Playground Improvements, completed and accepted June 3, 2005. Received.

File No. 1734-05.

From the Department of Parks, Recreation and Properties — Contract No. 59537, Cleveland Lakefront Bikeway Improvements — Phase II, completed and accepted April 29, 2004. Received.

File No. 1735-05.

From the Department of Parks, Recreation and Properties — Contract No. 63542, Humphrey Park Site Improvements, completed and accepted July 29, 2005. Received.

File No. 1736-05.

From the Department of Parks, Recreation and Properties — Contract No. 64083, Estabrook Park Site Improvements, completed and accepted June 30, 2005. Received.

File No. 1737-05.

From the Department of Parks, Recreation and Properties — Contract No. 64132, Luke Easter Park Playground Improvements, completed and accepted July 27, 2005. Received.

File No. 1738-05.

From the Department of Parks, Recreation and Properties — Contract No. 63515, Duggan Park Site Improvements, completed and accepted June 13, 2005. Received.

File No. 1739-05.

From the Department of Parks, Recreation and Properties — Contract No. 64317, McGowan Park Site Improvements, completed and accepted July 29, 2005. Received.

OATH OF OFFICE**File No. 1740-05.**

Amy M. Hochadel — Executive Assistant to the Mayor. Received.

File No. 1741-05.

Dennis Matejka — President of the Board of Revision of Assessments. Received.

File No. 1742-05.

Rebecca Schaltenbrand — member of the Board of Revision of Assessments. Received.

File No. 1743-05.

Alan Schneider — member of the Board of Revision of Assessments. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1744-05—Mildred Louise Jones.

Res. No. 1745-05—Woodie B. Spragin.

Res. No. 1746-05 — Rev. John W. Krasen.

Res. No. 1747-05—John Conway.

Res. No. 1748-05 — Christopher Wayne Hodge.

Res. No. 1749-05—Pastor Benjamin Snyder, Sr.

Res. No. 1750-05—Beverly Austin.

Res. No. 1751-05—Judy Wallard.

Res. No. 1752-05 — Clifton Malachi Lee.

Res. No. 1753-05 — Katie Louise Patterson-Solomon.

CONGRATULATION RESOLUTIONS

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

Res. No. 1754-05 — Judge Mabel Jasper.

Res. No. 1755-05—Noble London N. Burnett.

Res. No. 1756-05 — Ronald and Sally Boehlein.

Res. No. 1757-05—Willard Raymor.

Res. No. 1758-05 —Buckeye Area Development Corporation.

Res. No. 1759-05—Arbor Park Celebration Day.

Res. No. 1760-05—David W. Whitehead, Esq.

Res. No. 1761-05—Urban Community School.

Res. No. 1762-05 — Sister Ann Kilbane.

Res. No. 1763-05 — Sister Audrey Koch.

Res. No. 1764-05 — Sister Eileen Duffy.

Res. No. 1765-05 — Sister Mary Avsec.

RECOGNITION RESOLUTIONS

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

Res. No. 1766-05 —El Hasa Temple No. 28.

Res. No. 1767-05—National Alcohol and Drug Addiction Recovery Month.

Res. No. 1768-05—Cleveland Opera SCORE.

Res. No. 1769-05—Bryan Johnson.

Res. No. 1770-05—Richard Gildenmeister.

Res. No. 1771-05—Rev. Gwendolyn H. Snell.

Res. No. 1772-05 — Unity Week — One World Day.

APPRECIATION RESOLUTIONS

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

Res. No. 1773-05—Julia Goldsmith.

Res. No. 1774-05—Justin Herod.

WELCOME RESOLUTIONS

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

Res. No. 1775-05 — LaGran Scena Opera Company.

Res. No. 1776-05 — Madame Vera Galupe-Borszkh.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1631-05.**

By Council Members White and Jackson (by departmental request). An emergency ordinance to amend various sections of Part VI of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances, relating to general offenses.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 605.02 and 605.03, as enacted by Ordinance No. 1015-91, passed July 24, 1991,

Section 605.05, as amended by Ordinance No. 834-03, passed June 10, 2003,

Sections 605.06 and 605.07, as enacted by Ordinance No. 54-74, passed March 25, 1974,

Section 605.071, as amended by Ordinance No. 1783-97, passed June 12, 2000,

Section 605.08, as amended by Ordinance No. 1015-74, passed July 29, 1974,

Section 609.03, as amended by ordinance No. 2823-89, passed March 19, 1990,

Section 609.04, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 609.07, as enacted by Ordinance No. 90-96, passed March 18, 1996,

Section 609.08, as amended by Ordinance No. 834-03, passed June 10, 2003,

Sections 609.09 and 609.10, as enacted by Ordinance No. 1414-86, passed November 3, 1986,

Sections 615.01, 615.02, 615.03, and 615.04, as enacted by Ordinance No. 90-96, passed March 18, 1996,

Sections 615.06, 615.07, and 615.08, as enacted by Ordinance No. 54-74, passed March 25, 1974,

Sections 615.091, 615.10, and 615.11, as enacted by Ordinance No. 90-96, passed March 18, 1996,

Section 615.12, as enacted by Ordinance No. 54-74, passed March 25, 1974,

Sections 627A.01 and 626A.99, as amended by Ordinance No. 1130-92, passed May 11, 1992, and

Section 629.07, as amended by Ordinance No. 1475-78, passed October 9, 1978,

are amended to read as follows:

Section 605.02 Failure to Disperse

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 605.03, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(c) Whoever violates this section is guilty of failure to disperse, a misdemeanor of the first degree. (RC Section 2917.04)

Section 605.03 Disorderly Conduct; Intoxication

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another, by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;

(3) Insulting, taunting, or challenging another under circumstances in which such conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;

(5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(b) No person, while voluntarily intoxicated shall do either of the following:

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

(2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (b) hereof.

(d) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of division (b) of this section.

(e) Whoever violates this section is guilty of disorderly conduct, a minor misdemeanor. If the offender persists in disorderly conduct after reasonable warning or request to desist, disorderly conduct is a misdemeanor of the first degree. (RC Section 2917.11)

Section 605.05 Misconduct at an Emergency

(a) No person shall knowingly:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind;

(2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility.

(3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of his duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this Section, misconduct at an emergency is a **misdemeanor of the fourth degree**. If violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Section 2133.21 of the Revised Code.

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Section 2909.04 of the Revised Code.

(3) "Emergency facility" has the same meaning as in Section 2909.04 of the Revised Code. (RC 2917.13)

Section 605.06 Inducing Panic

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) **This section does not apply if:**

(1) **physical harm is caused to any person;**

(2) **the offense results in economic harm of five hundred dollars or more;**

(3) **the public place involved is a school; or**

(4) **the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction.**

(c) **Division (a) of this section does not apply to any person conducting an authorized fire or emergency drill.**

(d) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. (RC 2917.31)

Section 605.07 Making False Alarms

(a) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving

a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

(b) **This section does not apply:**

(1) **to any person conducting an authorized fire or emergency drill;**

(2) **if the violation results in economic harm of five hundred dollars (\$500.00) or more; or**

(3) **if a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction.**

(c) This section does not apply to any person conducting an authorized fire or emergency drill.

(d) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. (RC 2917.32)

Section 605.071 Improper Use of 9-1-1 Telephone System

(a) No person shall do any of the following:

(1) Initiate a call to 9-1-1 regarding an alleged or impending fire, explosion, crime, or other emergency, knowing that such report is false, and likely to cause inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any safety service in the City of Cleveland, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to 9-1-1 that an alleged offense or other incident within the respective areas of concern for the safety divisions occurred, knowing that such offense did not occur;

(4) Knowingly use the 9-1-1 system, knowing that no major critical or life threatening emergency exists and knowing that such report is likely to result in unnecessary consumption of safety services; or

(b) **This section does not apply:**

(1) **to any person conducting an authorized fire or emergency drill;**

(2) **if the violation results in economic harm of five hundred dollars (\$500.00) or more; or**

(3) **if a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction.**

(c) Whoever violates this section is guilty of improper use of 9-1-1 telephone system, a misdemeanor of the first degree.

Section 605.08 Criminal Activity on School Property

(a) No person shall threaten, menace or use improper, indecent or obscene language toward a teacher, instructor, professor, person in charge of a class of students or employee of any school, college or university while in the performance of his duties.

(b) No person shall disrupt, disturb or interfere with the teaching of any class of students, or any other activity conducted in a school, college or university building, or upon the campus or grounds thereof.

(c) No person shall assault, strike, threaten, menace, follow, pursue or use profane, indecent or obscene language toward a student or other person in a school, college or university building, or upon the campus or

grounds thereof, or upon the way to or from any school, college or university sponsored activity.

(d) This section does not apply if the violation is an assault and the victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus, or while the victims outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or filed trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(e) Whoever violates this section is guilty of criminal activity on school property, a misdemeanor of the first degree.

Section 609.03 Nonsupport of Dependents

(a) No person shall abandon, or fail to provide adequate support to:

(1) His or her spouse, as required by law;

(2) His or her legitimate or illegitimate child who is under age eighteen, or mentally or physically handicapped child who is under age twenty-one;

(3) His or her aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for his or her own support;

(4) Any person whom, by law or by court order or decree, the offender is legally obligated to support.

(b) No person shall aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in **Section 2151.04 of the Revised Code**, or a neglected child, as defined in **Section 2151.03 of the Revised Code**.

(c) It is an affirmative defense to a charge under division (a) of this section of failure to provide adequate support that the accused was unable to provide adequate support, but did provide such support as was within his ability and means.

(d) It is an affirmative defense to a charge under division (a)(3) of this section that the parent abandoned the accused or failed to support the accused as required by law, while the accused was under age eighteen, or was mentally or physically handicapped and under age twenty-one.

(e) It is not a defense to a charge under division (a)(4) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused. (RC 2919.21(F))

(f) Whoever violates division (a) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to a violation of division (a)(2) of this section or there has been a court finding that the offender has failed to provide support under division (a)(2) or (a)(4) of this section for a total accumulated period of twenty-six

weeks out of 104 consecutive weeks, whether or not the twenty-six weeks were consecutive. If the offender is guilty of nonsupport of dependents by reason of failing to provide support to his or her child as required by a child support order issued on or after April 15, 1985, pursuant to **Sections 2151.23, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31 or 3115.22 of the Revised Code**, the court, in addition to any other sentence imposed, shall assess all court costs arising out of the charge against the person and require the person to pay any reasonable attorney's fees of any adverse party other than the State, as determined by the court, that arose in relation to the charge. Whoever violates division (b) of this section is guilty of contributing to the nonsupport of dependents, a misdemeanor of the first degree. Each day of violation of division (b) of this section is a separate offense. (RC 2919.21)

Section 609.04 Endangering Children

(a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this division when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(b) No person shall abuse a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.

(c) No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of Section 433.01 of the Codified Ordinances or division (A) of Section 4511.19 of the Revised Code when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (a) of Section 433.01 of the Codified Ordinances or division (A) of Section 433.01 or 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of Sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine.

(d) Whoever violates this section is guilty of endangering children, a misdemeanor of the first degree, if the violation of this section does not result in serious physical harm to

the child involved, or if the offender has not previously been convicted of an offense under this section, **Section 2919.22 of the Revised Code** or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child. (RC 2919.22)

Section 609.07 Domestic Violence

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(d) As used in this section:

(1) "Family or household member" means any of the following:

A. Any of the following who is residing or has resided with the offender:

1. A spouse, a person living as a spouse or a former spouse of the offender;

2. A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;

3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.

B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.

(e) Whoever violates this section is guilty of domestic violence. A violation of division (a) or (b) of this section is a misdemeanor of the first degree, if the offender has not previously been convicted of domestic violence or a violation of **Sections 2903.11, 2903.12, 2903.13, 2903.14, 2909.06, 2909.07, 2903.211, 2911.12, or 2911.211, 2919.22, of the Revised Code**, or Section 621.03 of the General Offenses Code involving a person who was a family or household member at the time of such violation. A violation of division (c) of this section is a misdemeanor of the fourth degree. (RC 2919.25) **If the offender has a prior conviction of domestic violence under this section or a code section enumerated in this division (e), then on a first offense, a violation of division (c) of this section is a misdemeanor of the second degree. A violation of division (c) of this section is a misdemeanor of the first degree if the offender has two prior convictions of domestic violence under this section or a code section enumerated in this division (e).**

(f) The same relief available under the Revised Code for filing a complaint for violation of **Section 2919.25 of the Revised Code** shall be

available for filing a complaint for violation of this section.

Section 609.08 Temporary Protection Order

(a) No person shall recklessly violate the terms of any of the following:

(1) A protection order issued or consent agreement approved pursuant to Section 2919.26 or 3113.31 of the Revised Code;

(2) A protection order issued pursuant to Section 2903.213 or 2903.214 of the Revised Code;

(3) A protection order issued by a court of another state;

(b) Except as otherwise provided in **divisions (B)(3) and (B)(4)** of Section 2919.27 of the Revised Code, if the offense involves a violation of this section, violating a protection order is a misdemeanor of the first degree.

(c) **It is an affirmative defense to a charge under division (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this state or that is not entitled to full faith and credit under 18 U.S.C. 2265(e).**

(d) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States. (RC 2919.27)

Section 609.09 Criminal Child Enticement

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, as defined in **Section 4501.01 of the Revised Code, or onto any vessel, as defined in Section 1547.01 of the Revised Code**, whether or not the offender knows the age of the child, if both of the following apply:

(1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;

(2) The actor is not a law enforcement officer, medic, firefighter or other person who regularly provides emergency services, and is not an

employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of his lawful duties in that capacity.

(b) It is an affirmative defense to a charge under division (a) of this section that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(c) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. **This section does not apply if the offender previously has been convicted of this section or Sections 2909.05, 2907.02, 2907.03, 2907.12, 2905.01, or 2907.05 of the Revised Code when the victim of that prior offense was under seventeen years of age at the time of the offense. (RC 2905.05)**

Section 609.10 Contributing to Unruliness or Delinquency of a Child

(a) No person, including a parent, guardian, or other custodian of a child, shall do either of the following:

(1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in **Section 2151.022 of the Revised Code** or a delinquent child as defined in **Section 2151.02 of the Revised Code**.

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in **Section 2151.022 of the Revised Code**, or a delinquent child as defined in **Section 2151.02 of the Revised Code**.

(3) **If the person is the parent, guardian, or custodian of a child who has the duties under Chapters 2152 and 2950 of the Revised Code to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Section 2919.121 of the Revised Code, fail to ensure that the child complies with those duties under Chapters 2152 and 2950 of the Revised Code.**

(b) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (RC 2919.24)

Section 615.01 Definitions

As used in this chapter:

(a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and including without limitation legislators, judges and law enforcement officers.

(b) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including without limitation a juror, member of a temporary commission, master, arbitrator, advisor or consultant;

(3) A candidate for public office, whether or not he is elected or appointed to the office for which he is a candidate. A person is a candidate for purposes of this division if he has been nominated according to law for election or appointment to public office, or if he has filed a petition or petitions as required by law to have his name placed on the ballot in a primary, general or special election, or if he campaigns as a write-in candidate in any primary, general or special election.

(c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which he directs, conducts or participates in directing or conducting party affairs at any level of responsibility.

(d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.

(e) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any facility for custody of persons charged with or convicted of crime or alleged or found to be a delinquent child or unruly child; hospitalization, institutionalization, or confinement in any facility that is ordered pursuant to or under the authority of **Sections 2945.37, 2945.371, 2945.38, 2945.39, or 2945.40 of the Revised Code**; confinement in any vehicle for transportation to or from any such facility; detention for extradition or deportation; except as provided in this division, supervision by any employee of any such facility that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; or supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution other than release on parole or shock probation; or confinement in any vehicle, airplane, or place while being returned from outside this state into this state by a private person or entity pursuant to a contract entered into by division (E) of **Section 311.29 of the Revised Code** or division (B) of **Section 5149.03 of the Revised Code**. For a person confined in a county jail who participates in a county jail industry program pursuant to **Section 5147.30 of the Revised Code**, "detention" includes time spent at an assigned work site and going to and from the work site.

(f) "Detention facility" means any place used for the confinement of a person charged with or convicted of a crime or alleged or found to be a delinquent child or unruly child.

(g) "Provider agreement" and "medical assistance program" have the same meanings as in **Section 2913.40 of the Revised Code**.

(h) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in

those terms before the effective date of this division.

(i) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," and "political party" and "political contributing entity" have the same meaning as in Section 3517.01 of the Revised Code. (RC 2921.01)

Section 615.02 Falsification

(a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; **Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance;** retirement benefits; economic development assistance, as defined in Section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing, and is made with purpose to induce another to extend credit to or to employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom such statement is directed relies upon it to his detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense **if the value of the property or services stolen is less than five hundred dollars.**

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an **account, form, record, stamp, label or other writing that is required by law.**

(12) **The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a country recorder, or the clerk of court of record.**

(13) **The statement is made with purpose to obtain an Ohio's best Rx**

program enrollment card under Section 5110.09 of the Revised Code or a payment from the Ohio department of job and family services under Section 5110.17 of the Revised Code.

(14) **The statement is required under Section 5743.72 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.**

(b) It is no defense to a charge under division (a)(6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(c) Where contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(d) (1) Whoever violates any provision of divisions (a)(1) to (8) or (a)(10) to (14) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (a)(9) of this section is guilty of falsification in a theft offense a misdemeanor of the first degree.

(e) **A person who violates this section is subject to a civil action as described in division (G) of Section 2921.13 of the Revised Code.** (RC 2921.13)

Section 615.03 Compounding a Crime

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

(1) The pending prosecution involved is for a violation of Sections 625.05, 625.11 or 625.12(b)(2) or Sections 2913.02, 2913.11, 2913.21(B)(2), or Section 2913.47 of the Revised Code of which the actor under this section was the victim;

(2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount which the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under division (b) of this section, such abandonment or agreement in no way binds the State to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (RC 2921.21)

Section 615.04 Failure to Report a Crime, Injury or Knowledge of Death

(a) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(b) Except for conditions that are within the scope of division (e) of this section, no physician, limited practitioner, nurse or person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot

or stab wound treated or observed by him, or any serious physical harm to persons that he knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of any person shall fail to report the death immediately to any physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom he has made a report required by division (c) of this section, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within his knowledge that may have a bearing on the investigation of the death.

(e) (1) As used in this division (e), "burn injury" means any of the following:

A. Second or third degree burns;

B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;

C. Any burn injury or wound that may result in death;

D. Any physical harm to persons caused by or as the result of fireworks, novelties and trick noise-makers, and wire sparklers, as each is defined in Section 374.01 of the Revised Code.

(2) No physician, nurse or limited practitioner who, outside a hospital, sanitarium or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the Office of the State Fire Marshal. The report shall be made on a form developed by the State Fire Marshal.

(5) Anyone participating in the making of reports under division (e) of this section or anyone participat-

ing in a judicial proceeding resulting from the reports shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding **Section 4731.22 of the Revised Code**, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to division (e) of this section.

(f) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor, professional counselor, or **professional** counselor's assistant who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in **Section 3113.31 of the Revised Code**, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding **Section 4731.22 of the Revised Code**, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted pursuant to division (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(g) Division (a) or (d) of this section does not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client, doctor and patient, licensed psychologist or licensed school psychologist and client, clergyman or rabbi or minister or priest and any person communicating information confidentially to him for a religious counseling purpose in his professional character, husband and wife, or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under **Section 2739.04** or **2739.12 of the Revised Code**.

(4) Disclosure of the information would amount to disclosure by an ordained clergyman of an organized religious body of a confidential communication made to him in his capacity as such by a person seeking his aid or counsel.

(5) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency or organization certified pursuant to **Section 3793.06 of the Revised Code**.

(6) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program for providing counseling ser-

vices to victims of crimes that are violations of **Sections 2907.02, 2907.05 or 2907.12 of the Revised Code**. As used in this division, "counseling services" include services provided in an informal setting by a person who by education or experience, is competent to provide such services.

(h) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(i) Whoever violates division (a) or (b) of this section is guilty of failure to report a crime. Violation of division (a) of this section is a misdemeanor of the fourth degree. Violation of division (b) of this section is a misdemeanor of the second degree.

(j) Whoever violates division (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(k) (1) Whoever negligently violates division (e) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (e) of this section is guilty of a misdemeanor of the second degree. (RC 2921.22)

Section 615.06 Obstructing Official Business

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within his official capacity, shall do any act which hampers or impedes a public official in the performance of his lawful duties.

(b) Whoever violates this section is guilty of obstructing official business, a misdemeanor of the second degree. (RC 2921.31)

(c) This section does not apply if a violation creates a risk of physical harm to any person.

Section 615.07 Obstructing Justice

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction or punishment of another for a misdemeanor offense, or to assist another to benefit from the commission of a misdemeanor offense, shall do any of the following:

(1) Harbor or conceal such other person;

(2) Provide such other person with money, transportation, a weapon, a disguise or other means of avoiding discovery or apprehension;

(3) Warn such other person of impending discovery or apprehension;

(4) Destroy or conceal physical evidence of the crime, or induce any person to withhold testimony or information or to elude legal process summoning him to testify or supply evidence;

(5) Communicate false information to any person;

(6) Prevent or obstruct any person by means of force intimidating, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person.

(b) Whoever violates this section is guilty of obstructing justice, a misdemeanor of the first degree. (RC 2921.32)

Section 615.08 Resisting Arrest

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of himself or another.

(b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the interference, cause physical harm to a law enforcement officer.

(c) This section does not apply if the offender during the course of or as a result of the resistance or interference, recklessly causes physical harm to a law enforcement officer by means of a deadly weapon or during the course of the resistance or interference, brandishes a deadly weapon.

(d) Whoever violates this section is guilty of resisting arrest, a violation of division (a) of this section is a misdemeanor of the second degree. (RC 2921.33)

Section 615.091 Impersonation of Peace Officer or Private Policeman

(a) As used in this section:

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State, a member of a police force employed by a metropolitan housing authority under RC 3735.31, a member of a police force employed by a regional transit authority under **Section 306.35 of the Revised Code**, a State university law enforcement officer appointed under **Section 3345.04 of the Revised Code**, an Ohio veterans' home policeman appointed under **Section 5907.02 of the Revised Code**, a special police officer employed by a port authority under **Section 4528.04 or 4582.28 of the Revised Code**, or a State highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.

(2) "Private policeman" means any security guard, special policeman, private detective or other person who is privately employed in a police capacity.

(3) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer or a private policeman.

(c) No person, by impersonating a peace officer or a private policeman, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private policeman or an officer, agent or employee of the State or the Municipality.

(e) It is an affirmative defense to a charge under **division (b) of this section** that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates **division (b) of this section** is guilty of a misdemeanor of the fourth degree. Whoever violates **divisions (c) or (d) of this section** is guilty of a misdemeanor of the first degree, provided that the purpose of a violation of **division (d) of this section** is not to commit or facilitate the commission of a felony. (RC 2921.51)

Section 615.10 Having an Unlawful Interest in a Public Contract

(a) No public official shall knowingly do any of the following:

(1) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;

(3) Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which involves more than one hundred fifty dollars (\$150.00).

(b) In the absence of bribery or a purpose to defraud, a public official, member of his family, or any of his business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of such person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, which is the contractor on the public contract involved, or which is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by such person do not exceed five percent of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five percent of the total indebtedness of the corporation or other organization;

(3) Such person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(c) This section does not apply to a public contract in which a public official, member of his family, or one of his business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the pub-

lic official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of his family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(d) Division (a)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of his office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(e) This section does not apply where a public official authorizes, or employs the authority or influence of his office to:

1. secure authorization of any public contract in which he or she, a member of his or her family or any of his or her business associates has an interest; or

2. secure the investment of public funds in any share, bond, mortgage, or other security with respect to which he, a member of his or her family, or any of his or her business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.

(f) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

(g) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Section 309.06 and RC 2921.421 of this section, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under Section 504.15 of the Revised Code to appoint assistants and employees in accordance with Sections 504.151 and 2921.421 of the Revised Code.

(h) As used in this section:

(1) "Public contract" means any of the following:

A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual

by the State, any of its political subdivisions, or any agency or instrumentality of either.

B. A contract for the design, construction, alteration, repair or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in **Section 733.621 of the Revised Code.** (RC 2921.42)

Section 615.11 Soliciting or Receiving Improper Compensation

(a) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

(1) Any compensation, other than is allowed by divisions (G), (H), and (I) of **Section 102.03 of the Revised Code** or other provisions of law, to perform his official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform his official duties.

(b) No public servant for his own personal or business use and no person for his own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;

(2) Preferring, or maintaining the status of any public employee with respect to his compensation, duties, placement, location, promotion or other material aspects of his employment.

(c) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or **political contributing entity** shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to his compensation, duties, placement, location, promotion or other material aspects of his employment.

(d) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(e) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment or position of trust in this City for a period of seven years from the date of conviction.

(f) Divisions (a), (b) and (c) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or **political contributing entity** or **prohibit a political party, campaign committee, legislative campaign fund, political action committee, or**

political contributing entity from accepting voluntary contributions. (RC 2921.43)

Section 615.12 Dereliction of Duty

(a) No law enforcement officer shall negligently do any of the following:

(1) Fail to serve a lawful warrant without delay;

(2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in his power to do so alone or with available assistance.

(b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

(1) Allow the detention facility to become littered or unsanitary;

(2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;

(3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;

(4) Allow a prisoner to escape;

(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the State shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the General Assembly for the use in any one year of the department, agency or institution of the State with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to his office, or recklessly do any act expressly forbidden by law with respect to his office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree. (RC 2921.44)

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Section 9.08 of the Revised Code.

Section 627A.01 Definitions

For purposes of this chapter:

(a) "Firearms" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. **"Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.**

(b) "Ammunition" means any ammunition cartridge, shell or other device containing explosive or incendiary material and designed and intended for use in any firearm.

(c) "Child" means any person under the age of eighteen (18) years, and includes any person between the ages of eighteen (18) and twenty-one (21) years who is of sufficient mental incompetence as to have had a legal guardian appointed by the Probate Court. (RC 2923.11)

Section 627A.99 Penalties

(a) Whoever violates the provisions of Section 627A.02 shall be

guilty of a misdemeanor of the first degree.

(b) **Whoever** violates the provisions of Section 627A.03 shall be **guilty of a misdemeanor of the third degree.**

Section 629.07 Nonsmoking Areas in Places of Public Assembly

(a) As used in this section, "place of public assembly" means:

(1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a **residential care facility** serving as the residence of a person living in **the residential care facility;**

(2) All buildings and other enclosed structures owned by the State, its agencies or political subdivisions, including but not limited to hospitals and State institutions for the mentally retarded and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the residence of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency or a political subdivision and that is used primarily as a food service establishment is not a place of public assembly;

(3) Each portion of a building or enclosed structure that is not included in subsection (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, **food service establishments, dining rooms, cafes, cafeterias** or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area. Provided that, no more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in **division (a)(1) of this section** the local fire authority having jurisdiction shall designate the no smoking area. In places included in **division (a)(2) of this section** that are owned by the Municipality, Council shall designate an officer who shall designate the area. In places included in **division (a)(3) of this section**, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in **division (a)(2) of**

this section which are also included in **division (a)(1) of this section**, the officer who has authority to designate the area in places in **division (a)(2) of this section** designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs clearly visible and that state "NO SMOKING". No person shall remove signs from areas designated as no smoking areas.

(c) No person shall smoke in any area designated as a no smoking area in accordance with **division (b) of this section of Section 3791.031 of the Revised Code.**

(d) Whoever violates this section is guilty of a minor misdemeanor. (RC 3791.031)

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976: Sections 605.02 and 605.03, as enacted by Ordinance No. 1015-91, passed July 24, 1991,

Section 605.05, as amended by Ordinance No. 834-03, passed June 10, 2003,

Sections 605.06 and 605.07, as enacted by Ordinance No. 54-74, passed March 25, 1974,

Section 605.071, as amended by Ordinance No. 1783-97, passed June 12, 2000,

Section 605.08, as amended by Ordinance No. 1015-74, passed July 29, 1974,

Section 609.03, as amended by ordinance No. 2823-89, passed March 19, 1990,

Section 609.04, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 609.07, as enacted by Ordinance No. 90-96, passed March 18, 1996,

Section 609.08, as amended by Ordinance No. 834-03, passed June 10, 2003,

Sections 609.09 and 609.10, as enacted by Ordinance No. 1414-86, passed November 3, 1986,

Sections 615.01, 615.02, 615.03, and 615.04, as enacted by Ordinance No. 90-96, passed March 18, 1996,

Sections 615.06, 615.07, and 615.08, as enacted by Ordinance No. 54-74, passed March 25, 1974,

Sections 615.091, 615.10, and 615.11, as enacted by Ordinance No. 90-96, passed March 18, 1996,

Section 615.12, as enacted by Ordinance No. 54-74, passed March 25, 1974,

Sections 627A.01 and 627A.99, as amended by Ordinance No. 1130-92, passed May 11, 1992, and

Section 629.07, as amended by Ordinance No. 1475-78, passed October 9, 1978, are repealed.

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

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

**Ord. No. 1632-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance to amend the title and Section 1 of Ordinance No. 809-05, passed May 16, 2005; to supplement the ordinance by adding new Sections 2 and 3; and to renumber existing Sections 2 and 3 to new Sections 4 and 5, relating to a mail system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the title and Section 1 of Ordinance No. 809-05, passed May 16, 2005, are amended to read as follows:

An emergency ordinance authorizing the purchase, rental, or lease by one or more contracts for a period not to exceed five years with an option to purchase of a mail system, including training, maintenance for a period of five years, and the labor and materials necessary for removal of the old system and installation of the new system, for the Division of Printing and Reproduction, Department of Finance; and authorizing the Director of Finance to acquire one or more software licenses.

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase, rental, or lease for a period not to exceed five years with an option to purchase of a mail system, including training, maintenance for a period of five years, and the labor and materials necessary for removal of the old system and installation of the new system, to be purchased or procured by the Commissioner of Purchases and Supplies for a gross price, for the Division of Printing and Reproduction, Department of Finance.

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

Section 2. That the existing title and Section 1 of Ordinance No. 809-05, passed May 16, 2005, are repealed.

Section 3. That Ordinance No. 809-05, passed May 16, 2005, is supplemented by adding new Sections 2 and 3 to read as follows:

Section 2. That the Director of Finance is authorized to acquire by contract with one or more computer software vendors or one or more firms of computer software vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland one or more licenses for operation of a mail system, including installation, programming, and implementation, and for training, support, maintenance and updates, for a period of five years, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Printing and Reproduction, Department of Finance.

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

Section 3. That the Director of Finance is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 4. That existing Sections 2 and 3 of Ordinance No. 809-05, passed May 16, 2005, are renumbered to new "Section 4" and "Section 5".

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

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

Ord. No. 1633-05.

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

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

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one (1) or two (2) year period of the necessary items of labor and materials to repair and replace decorative and special lighting including installation and maintenance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities 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 Public Util-

ities by comparing the bids received for both terms.

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 No. 153814)

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

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

Ord. No. 1634-05.

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

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

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one (1) or two (2) year period of the necessary items of labor and materials to paint street-side elements including poles, vent pipes, and transformer boxes for the Division of Cleveland Public Power, Department of Public Utilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities 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 Public Utilities by comparing the bids received for both items.

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 pur-

chase, 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 No. 153854)

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

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

Ord. No. 1635-05.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Cuyahoga County Commissioners for the rehabilitation of Berea Road from Triskett Road to Detroit Avenue; authorizing the Director of Public Service to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment of the City's share to the Cuyahoga County Commissioners for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: The rehabilitation of Berea Road from Triskett Road to Detroit Avenue (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less any funds administered by the Ohio Public Works commission which are used for the Improvement, and less the County's portion of the cost of the Improvement. In addition, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a man-

ner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code; and

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the County will arrange for its acquisition.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the County.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that the rearrangements shall be done at such time as requested by the County.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility re-

arrangement shall be performed under the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

(i) That the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions (a)(b), (e), (f), and (h) of this section.

(j) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the Manual are met.

(k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

Section 6. That this Council requests the County to proceed with the Improvement.

Section 7. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

(b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division (a) of this section, and make an inspection of the completed project.

(c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items are approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

(d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

(e) That if the Improvement is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

(f) That within the corporate limits of the City, the City agrees to contribute 20% of the cost of construction, construction supervision, right-of-way, and incidentals. That

the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the Improvement or the Director of Public Service is authorized to enter into an escrow agreement with the Board of County Commissioners prior to an award of a contract for the Improvement.

Section 8. That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement, and to enter into one or more agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That this Council authorizes payment to the County of the City's share of the Improvement from Fund Nos. 20 SF 364, 20 SF 383, 52 SF 001, 52 SF 002 and 52 SF 003, Request No. 157372.

Section 11. That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

**Ord. No. 1636-05.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for various infrastructure capital improvements projects and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Work Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; and

Whereas, this ordinance constitutes an emergency measure 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 the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvements:

1. Quincy Avenue (E. 40th to Woodhill Road)
2. Bellaire Road (W. 105th to W. 117th)
3. Denison Avenue (Lorain Ave. to W. 73rd)
4. East 78th Relocation (Aetna to Broadway)

Section 2. That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the city's general obligation bonds issued for bridge and road improvements.

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

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

Ord. No. 1637-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Cleveland Health Museum to encroach into the public right-of-way of Chester Avenue, Carnegie Avenue and East 105th Street with 7 temporary directional signs.

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 Service is authorized to issue a permit, revocable at the will of Council, to the Cleveland Health Museum ("Permittee") to encroach into the public right-of-way of Chester Avenue, Carnegie Avenue and East 105th Street by installing, using, and maintaining 7 temporary directional signs to be attached to Cleveland Public Power utility poles (by separate permission), for the period starting October 1, 2005 and ending upon the completion of construction of the Euclid Corridor, estimated to last two years, at the locations more fully described as follows:

<u>LOCATION</u>		<u>POLE NUMBER</u>
1. Chester Ave. at East 70th St.	Second pole west of East 70th St.	No Tag
2. Chester Ave. at East 89th St.	Second pole west of East 89th St.	No Tag
3. Chester Ave. at East 89th St.	Third pole east of East 89th St.	No Tag
4. Chester Ave. at East 105th St.	Second pole east of East 105th St.	No Tag
5. Carnegie Ave. at East 70th St.	Pole opposite East 70th St.	No Tag
6. Carnegie Ave at East 89th St.	Third pole west of East 89th St.	No Tag
7. East 105th at Chester Ave.	Third pole north of Chester Ave.	No Tag

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The Permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachments permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the City.

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

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

Ord. No. 1638-05.

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to perform geotechnical testing and consulting services.

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

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

Section 1. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform geotechnical testing and consulting services.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, Request No. 158462.

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

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

Ord. No. 1639-05.

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

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

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be

secured from any source other than Medtronics Physio-Control Corp. Therefore the Director of Public Safety is authorized to make one or more written contracts with Medtronics Physio-Control Corp on the basis of its proposal dated July 22, 2005, for labor and materials necessary to upgrade not to exceed forty-five biphasic LIFEPAK 500 AEDs, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Fire, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600300-647400, Request No. 159151.

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

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

Ord. No. 1640-05.

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

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1121-05, passed June 6, 2005, relating to a lease or sale of certain property to the Salvation Army for the purpose of the Salvation Army constructing and operating a community center; to supplement the ordinance by adding new Sections 7, 8, and 9; and to renumber existing Section 7 to new Section 10.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 1121-05, passed June 6, 2005, are amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Salvation Army, for a **period not to exceed ninety-nine** years, for the purpose of the Salvation Army constructing and operating a community center; **or in the alternative, to authorize the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northwest portion of Gordon Park to the Salvation Army.**

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 lease to the Salvation Army ("Lessee"), up to **thirteen** acres of the northwest portion of Gordon Park which is suitable for **use** by the Salvation Army for the purpose of constructing and operating a community center for the term of the lease.

Section 2. That the term of the lease authorized by this ordinance shall not exceed **ninety-nine** years.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1121-05, passed June 6, 2005, are repealed.

Section 3. That Ordinance No. 1121-05, passed June 6, 2005 is supplemented by adding new Sections 7, 8, and 9 to read as follows:

Section 7. That, in the alternative and notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that up to thirteen acres of the northwest portion of Gordon Park, which is suitable for use by the Salvation Army for the purpose of constructing and operating a community center, is no longer needed for public use.

Section 8. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Salvation Army at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 9. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That existing Section 7 of Ordinance No. 1121-05, passed June 6, 2005, is renumbered to new **"Section 10"**.

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. 1641-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in property located on the northwest corner of Rockefeller Park at Superior Avenue and declaring certain easement rights no longer needed for public use.

Whereas, Dominion East Ohio Gas ("EOG") requested the Director of

Parks, Recreation and Properties to convey certain easement rights in property located on the northwest corner of Rockefeller Park at Superior Avenue; and

Whereas, EOG requires the easement rights to install a regulator station and related apparatus on City-owned property; and

Whereas, the easement rights to be granted are no longer needed for public use; 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, it is found and determined that an easement interest in the following described property is no longer needed for public use:

PROPOSED DOMINION EASEMENT

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 385, and more fully described as follows:

Beginning at the intersection of the Southerly line of Superior Avenue, 80 feet wide, with the Easterly line of Ansel Road, 50 feet wide.

Thence Easterly along the Southerly line of said Superior Avenue, 145 feet to a point, said point also being the Principal Place of Beginning of the easement herein intended to be described.

Thence Southerly and perpendicular to the Southerly line of said Superior Avenue, 20 feet to a point.

Thence Easterly and parallel to the Southerly line of Superior Avenue, 15 feet to a point.

Thence Northerly and perpendicular to the Southerly line of Superior Avenue, 20 feet to a point on the Southerly line of said Superior Avenue.

Thence Westerly, along the Southerly line of said Superior Avenue, 15 feet to the Principal Place of Beginning.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above described non-exclusive permanent easement interest to EOG subject to any conditions stated in this ordinance, at a price of one dollar.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to construct, landscape, properly screen, operate, repair, maintain, and install a regulator station and related apparatus on City-owned property.

Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Parks, Recreation and Properties; that the easement shall require that EOG indemnify the City, provide reasonable insurance, maintain any EOG improvements located within the easement;

and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The Directors of Parks, Recreation and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the road improvements within the property described above.

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

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. 1642-05.

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

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

Whereas, the Department of Community Development desires to enter into an agreement with the Orlando Baking Company, or an entity controlled by them, ("Orlando") providing for the even exchange of certain real properties; and

Whereas, the City property to be transferred to Orlando are components of the City of Cleveland's land reutilization program and, as such, can be transferred under Section 5722.07 of the Revised Code without the consent of other legislative authorities only if: (a) the property is sold at not less than fair market value under the policies of the Land Reutilization Program; and (b) the property is subject to such restrictions and covenants as appropriate to assure the land's effective reutilization; 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 Community Development and the Commissioner of Purchases and Supplies are authorized to enter into an agreement for and on behalf of the City of Cleveland with Orlando providing for the exchange of real property, including transfer of fee title to

Orlando Realty, Inc. of the following described property:

P. P. No. 124-28-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 2 and 3 of W. H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Easterly line of East 75th Street, 17 feet Southerly from the Northwesterly corner of said Sublot No. 2; thence Northerly along the Easterly line of East 75th Street, 33 feet; thence Easterly about 115 feet 8 inches to a point in the Westerly line of land conveyed to Edward and Rose Ludeshier by deed recorded in Volume 1207, Page 538 of Cuyahoga County Records, 34 feet Southerly from the Southerly line of Grand Avenue, S.E.; thence Southerly along the Westerly line of land so conveyed to Ludeshier, 33 feet; thence Westerly 115 feet 5 inches to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 5, C.B. Morgan's Re-Subdivision, Plat Book 26, Page 12, Cuyahoga County Records, 30 feet front on the Southerly side of Grand Avenue and being 100.26 feet on the Easterly line, 100.69 feet deep on the Westerly line, 30 feet in the rear, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio as part of Sublot Nos. 36, 37 and 40, Yeakels, Sichly, Walkey and Hoffman's Subdivision, Plat Book 4, Page 33, Cuyahoga County Records, beginning in the Southerly side of Grand Avenue at the Westerly line of Sublot No. 36; then Easterly in the Southerly side of Grand Avenue 30 feet; then Southerly parallel with the Westerly line of Sublot Nos. 36, 37 and 40 about 100.69 feet to the Southerly line of Sublot No. 40, thence Westerly in the Southerly line of Sublot No. 40, 30 feet to the Southwesterly corner thereof; then Northerly in the Westerly lines of Sublot Nos. 40, 37 and 36 about 101.12 feet to the beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No.15 in the W.H. Beaumont Subdivision of part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Grand Avenue, S.E., at the Northwesterly corner of said Sublot No. 15; thence Easterly along the Southerly line of Grand Avenue, S.E., 40.37 feet to the Northeasterly corner of said Sublot No. 15; thence Southerly along the Easterly line of said Sublot No.15, 74 feet; thence Westerly and parallel with the Southerly line of said Sublot No.15, 22.22 feet; thence Southerly and parallel with the Easterly line of said Sublot No.15, 28 feet; thence Westerly and parallel with the Southerly line of said Sublot, 18.87 feet to the Westerly line of Sublot No.15; thence Northerly along the Westerly line of said Sublot, 102 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of Sublot No. 13, W.H. Beaumont's Subdivision, Plat Book 5, Page 13, Cuyahoga County Records, 30 feet on the Southerly side of Grand Avenue, extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 20 feet of Sublot No. 12 and the Westerly 10 feet of Sublot No. 13 in W.H. Beaumont's Subdivision, of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Southerly side of Grand Avenue, and extending back of equal width 150 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. 124-28-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 30 feet of Sublot No. 12, W.H. Beaumont's Allotment, Plat Book 5, Page 13, Cuyahoga County Records and being 30 feet on the Southerly side of Grand Avenue, extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11, W.H. Beaumont's Subdivision, of a part of Original One Hundred Acre Lot No. 330, as shown in Plat Book 5, Page 13, Cuyahoga County Records, 50 feet front on the Southerly side of Grand Avenue, extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly part of Sublot No. 10 in W.H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Northerly line of said Sublot No. 10 which is distant Easterly 29 feet from the Northwesterly corner of said Sublot No. 10; thence Easterly along the Northerly line of said Sublot 21 feet; thence Southerly along the Easterly line of said Sublot No. 10, 150 feet; thence Westerly along the Southerly line of said Sublot, 32 feet to a point; thence Northerly and parallel with the Westerly line of said Sublot No. 10, 56 feet to a point, thence Northeasterly at an angle about 18 feet to a point which is distant Southerly 80 feet from the Northerly line of said Sublot No. 10, and which is also distant Easterly 29 feet from the Westerly line of said Sublot No. 10; thence Northerly and parallel with the Westerly line of said Sublot No. 10, 80 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 zoning ordinances, if any.

P. P. No. 124-28-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in W.H. Beaumont's Subdivision of a part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, said Sublot No. 8 being 50 feet front on the South side of Grand Avenue, extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 124-28-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet of Sublot No. 7, in W.H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Grand Avenue, S.E., and extending back of equal width 150 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

P. P. No. 124-28-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in the W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of

Maps, Page 13 of Cuyahoga County Records; said Sublot No. 5 has a frontage of 50 feet on the Southerly side of Grand Avenue (50 feet wide) extends back between parallel lines of 150 feet and contains 0.1722 acres of land, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet of Sublot No. 4 in Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Grand Avenue, S.E., and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 25 feet of Sublot No. 4 in W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330 as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Grand Avenue, and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 124-28-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 35 feet of Sublot Nos. 2 and 3 in W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in W.H. Beaumont's Allotment of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 13 of Maps, Page 10 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Grand Avenue, S.E., at a point distant 29 feet Easterly measured along said Southerly line from the Northwesterly corner of said Sublot No. 10; thence Westerly along the Southerly line of Grand Avenue, S.E., 29 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of said Sublot, 150 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said Sublot, 18 feet; thence Northerly and parallel with the Westerly line of said Sublot, 56 feet; thence North-

easterly in a direct line about 18 feet to its intersection with a line drawn Southerly and parallel with the Westerly line of said Sublot No. 10, from the place of beginning; thence Northerly and parallel with the Westerly line of said Sublot, 80 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 124-28-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 1 in W.H. Beaumont's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 5 of Maps, Page 13 of Cuyahoga County Records, and being bounded and described as follows:

Beginning at an iron pin set in the Northerly line of said Sublot at a point South 89° 26' 30" East 86 feet from the Northwest corner of said Sublot; thence South 89° 26' 30" East 63.97 feet to an iron pin at the Northeast corner of said Sublot; thence South 0° 35' 20" West 49.99 feet to an iron pin set at the Southeast corner of Sublot; thence North 89° 27' 15" West 32.06 feet to an iron pin set in the South line of said Sublot; thence due North 20 feet to an iron pin; thence North 89° 27' 15" West 31.62 feet to an iron pin; thence due North 30.01 feet to the place of beginning, according to survey made by Jay R. Katz, Registered Engineer No. 8080 and Surveyor No. 3775 of the State of Ohio, dated February 17, 1951, be the same more or less, but subject to all legal highways.

Section 2. That the agreement shall also provide that Orlando shall transfer fee title to the City of Cleveland of the following described property:

P. P. No. 121-33-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 31 in J.F. Grether, J.G. Grether and C. J. Palm's Subdivision of part Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, page 39 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Mt Carmel Road S.E., (formerly Ingersol Road), and extending back 134 feet 2 inches deep on the Easterly line 149 feet 4 inches deep on the Westerly line and having a broken rear line of 42 feet 11-3/4 inches as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being and known as being Sublot No. 30 in Grether and Palmers Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Southerly side of Mt. Carmel Road and extending back 134 feet, 2 inches on the

Westerly line 123 feet 3 1/8 inches, on the Easterly line and having a rear line of 41 feet 5 1/4 inches as appears on said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 25 in Grether and Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Northerly side of Woodland Avenue and extending back 133 feet 2 inches on the Easterly line, and 140 feet on the Westerly line, and having a rear line of 40 feet 7.5 inches.

P. P. No. 121-33-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 24 in Grether Plamer's Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Northerly side of Woodland Avenue and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 23 in Grether and Palmer Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 14 of Maps, Page 39 of Cuyahoga County Records and being 40 feet front on the Northerly side of Woodland Avenue and extending back of equal width 140 feet, as appears on said Plat, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-145

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block "A" in J.F. Grether, J.G. Grether and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14, Page 39 of Cuyahoga County Records, and bounded and describe as follows:

Beginning on the Northerly line of Danville Court, S.E. (formerly Luna Court), 17 feet wide, said Northerly line being parallel with the Southerly line of said Block "A" and distant 5 feet Northerly therefrom, as shown by said Plat, at a point distant 205 feet Easterly, measured along said Northerly line from the Westerly line of said Block "A". Thence Easterly along the Northerly line of Danville Court, S.E., 70 feet to the Southeasterly corner of land conveyed to Sarah Leone by deed dated March 25, 1929, and recorded in Volume 3939, Page 85 of Cuyahoga County Records. Thence Northerly along the Westerly line of land so conveyed to Sarah Leone,

35.95 feet to the Southwesterly line of Amanda Court, S.E.; thence Northwesterly along the Southwesterly line of Amanda Court, S.E. 77.50 feet to its intersection with the line drawn parallel with the Westerly line of said Block "A" from the place of beginning. Thence Southerly in a direct line 69.97 feet to the place of beginning and being further known as Sublot No. 9 and part of Sublot No. 10 in Mary Grether's Subdivision proposed, be the same more or less, but subject to all legal highways.

P. P. No. 121-33-146

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Block "A" in J.F. Grether, J.G. Grether and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 14, Page 39 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the proposed Northerly line of Danville Court S.E. (formerly Luna Court), as proposed to be widened to 17 feet, said proposed Northerly line being parallel with and distant 5 feet Northerly at right angles from the Southerly line of said Block "A" at a point distant Easterly, measured along said proposed Northerly line of Danville Court S.E., 275 feet from the Westerly line of said Block "A", said beginning point being also Distant 157 feet Northerly from the Northerly line of Woodland Avenue, S.E., (formerly North Woodland Avenue), and distant 427 feet Easterly from the Easterly line of East 110th Street, (formerly Fern Cliff Avenue). Thence Easterly parallel with said Southerly line of Block "A" and along said proposed Northerly line of Danville Court S.E., 65 feet to a point. Thence Northerly parallel with the Westerly line of said Block "A", 4.17 feet to the Southwesterly line of Amanda Court S.E. 12 feet wide. Thence Northwesterly along the Southwesterly line of Amanda Court S.E., 72.10 feet to a point in a line drawn parallel with said Westerly line of Block "A", from the place of beginning. Thence Southerly parallel with the Westerly line of said Block "A", 35.95 feet to the place of beginning, and being further known as a part of Sublot No. 10 in Mary Grether's proposed Subdivision of Block "A" in said Grether and PaInter's Subdivision as aforesaid be the same more or less, but subject to all legal highways.

P. P. No. 121-33-147

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block "A" in J.F. Grether, J.G. Grether and C.J. Palmer's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat of said Subdivision in Volume 14 of Maps, Page 39 of Cuyahoga County Records, and bounded and described as follows:

The beginning point is on a line distant 5 feet Northerly from and parallel with the Southerly line of said Block "A" at a pint distant 175 feet Easterly from the Westerly line of said Block "A" (said beginning point being also distant 157 feet

Northerly from the Northerly line of Woodland Avenue, S.E. (formerly North Woodland Avenue) and distant 327 feet Easterly from the Easterly line of East 110th Street, (formerly Fern Cliff Avenue); thence Easterly on a line parallel with the Westerly line of said Block "A", a distance of 69-97/100 feet to the Southwesterly side of Amanda Court, S.E.; thence Northwesterly along said Southwesterly side of Amanda Court, S.E., a distance of 33-25/100 feet; thence Southerly and parallel with the Westerly line of said Block "A" a distance of 84-53/100 feet to the place of beginning and being further known as Sublot No. 8 in Mary Grether's Proposed Subdivision of Block "A" of said J.F. Grether and others' Subdivision aforesaid, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 128-03-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 31 and 32 in Barbara and Albert Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Woodland Avenue S. E. (formerly North Woodland Avenue), at its intersection with the Westerly line of East 112th Street (formerly East May Street); thence Westerly along the Southerly line of Woodland Avenue S. E. 45.5 feet to a point distant Easterly 524 feet from the Westerly line of Original One Hundred Acre Lot No. 419; thence Southerly 72 feet parallel with the Westerly line of Original One Hundred Acre Lot No. 419 to the Northwesterly corner of a parcel of land conveyed to Helen H. DeFranco by deed dated November 18, 1937 and recorded in Volume 4806, Page 472 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to said DeFranco 45.33 feet parallel to the Southerly line of Woodland Avenue, S. E. to a point in the Westerly line of East 112th Street; thence Northerly along the Westerly line of said East 112th Street, 72 feet, to the place of beginning be the same more or less, but subject to all legal highways.

Section 3. That the agreement authorized shall be prepared by the Director of Law and shall include assurances that the exchange was conducted using fair market values, as determined by the Board of Control; and that the City property being transferred to Orlando is subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization.

Section 4. That the conveyance referred to in Section 1 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 provisions necessary to protect the parties and their respective interests, including restrictive covenants deemed necessary by the Directors

of Community Development and Law, and shall specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 5. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of the properties.

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

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

Ord. No. 1643-05.

By Council Member Britt.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 83rd Street to Fairfax Renaissance Development Corporation.

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). 119-14-071 and 119-14-073, as more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 119-14-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 22 and 23 and a part of Kirtland Avenue, now vacated, and a part of a 1.50 foot

reserve strip in E.N. Keyes Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 83rd Street (formerly Lincoln Avenue) 60 feet wide, at its intersection with the Southerly line of said Sublot No. 22; thence Northerly along the Westerly line of East 83rd Street, 53 feet to a point; thence Westerly in a direct line to a point on the Easterly line of Van Tine and Chadwick's Subdivision as recorded in Volume 20 of Maps, Page 7 of Cuyahoga County Records, said point being 53 feet Northerly, measured along the Easterly line of said Van Tine and Chadwick's Subdivision from its intersection with the Westerly prolongation of the Southerly line of said Sublot No. 22; thence Southerly along the Easterly line of said Van Tine and Chadwick's Subdivision 53 feet to its intersection with the Westerly prolongation of said Southerly line of Sublot No. 22; thence Easterly along said Westerly prolongation and along the Southerly line of said Sublot No. 22, 195.51 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-14-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 399 and bounded and described as follows:

Beginning on the Westerly line of East 83rd Street (formerly Lincoln Avenue), at a point one hundred three (103) feet Northerly (measured along said Westerly line) from the Southerly line of Sublot No. 22 in E.N. Keyes; Subdivision of part of Original One Hundred Acre Lot Nos. 399 and 407, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records, said point of beginning being also four hundred twenty-one and sixty three hundredths (421.63) feet Southerly (measured along said Westerly line), from its point of intersection with the Southerly line of Euclid Avenue (80 feet wide); thence Northerly, along said Westerly line of East 83rd Street, fifty-two (52) feet; thence North 86 degrees 52' 30" West, 197.87 feet to the Easterly line of land conveyed to Elihu Chadwick by deed dated October 6, 1863, and recorded in Volume 135, Page 262 of Cuyahoga County Records; thence Southerly along said Easterly line of land so conveyed to Elihu Chadwick, fifty-two (52) feet; thence Easterly, in a straight line, about one hundred ninety-seven and eleven hundredths (197.11) feet to the place of beginning, according to a survey made by F.B. Krause, Civil Engineer, December 1, 1914.

Also subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall

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

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

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

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

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

Ord. No. 1644-05.

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

An emergency ordinance authorizing the Flats East Bank Community Development Plan for the Flats East Bank Plan Area and for the Action Area within the Plan; and making certain findings and determinations in connection with the Plan.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety in that approval of the CD Plan for the Action Area is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration and for the prevention of its recurrence in the Plan Area; now therefore,

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

Section 1. That, based on the facts and conditions concerning blight and deterioration contained in the Survey and the findings and reports referenced above, this Council finds and determines that the area described as the Plan Area in the following description is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976:

Flats East Bank

Community Development Plan Area Beginning at the intersection of the Northerly right of way of Main Avenue N.W. (40 feet wide) and the Westerly right of way of West 9th Street (99 feet wide); thence Northwesterly along said Westerly right of way of West 9th Street to its intersection with the Southerly bridge abutment of the R.T.A waterfront rail line;

thence Southwesterly, Southerly and Southeasterly along said Southerly R.T.A. bridge abutment to its intersection with the Southerly property line of Parcel "B" of a Lot Split and Consolidation for the Consolidated Rail Corporation recorded in Volume 281 Pages 23 and 24 of Cuyahoga County Records; thence Southwesterly along said Southerly property line of Parcel "B" to its intersection with the Easterly dock line of the Cuyahoga river; thence Southerly along said Easterly dock line to its intersection with the Southerly line of the Main Avenue bridge; thence Northeasterly along said Southerly line to its intersection with the Easterly line of Old River Road; thence Southerly along said Easterly line of Old River Road to its intersection with the Southerly line of Sublot No. 22 in the Irad Kelly Subdivision recorded in Volume "U" Pages 79 and 80 of Cuyahoga County Map Records;

thence Easterly along said Southerly line of Sublot No. 22 to its intersection with the Westerly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 90-2362 Pages 4 through 17 of Cuyahoga County Map Records; thence Northwesterly along said Westerly line of parcel conveyed to the City of Cleveland and its Northwesterly prolongation to its intersection with said Northerly right of way of Main Avenue N.W. (40 feet wide);

thence Northeasterly along said Northerly right of way of Main Avenue N.W. (40 feet wide) to its intersection with said Westerly right of way of West 9th Street (99 feet wide) and the principle place of beginning.

Section 2. That, based on the facts and conditions concerning blight and deterioration contained in the Survey and the findings and reports referenced above, this Council finds and determines that the area described as the Action Area which is equal to and the same as the boundary described as the Plan Area, is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976, notwithstanding and as an exception to certain notice requirements of Section 315.03 of the codified ordinances.

Section 3. That the Survey, findings, and reports concerning the facts and conditions regarding blight and deterioration in the Plan Area and Action Area are accepted. This Council finds and determines that the public actions and policies proposed and contemplated by the CD Plan are necessary and appropriate in order to eliminate the conditions of blight and deterioration and prevent its recurrence. This

Council finds and determines that the CD Plan for the Plan Area and the Action Area are approved as a Community Development Plan within the meaning of, and for the purposes of the codified ordinances and the procedures followed for preparation and approval of the CD Plan and hearing are approved. This Council further finds and determines that the CD Plan conforms to and is in compliance with the applicable provisions of the codified ordinances.

Section 4. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, this Council finds and determines that the CD Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and Action Area. This Council also finds and determines that the Plan gives the due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and the Plan is in conformity with the general plan of the City and the workable program for community improvements of the City.

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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 1645-05.

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

An emergency ordinance declaring improvements to certain parcels of real property to be a public purpose, describing the public improvements to be made to directly benefit such parcels, requiring the owner of the improvements on such parcels to make service payments in lieu of taxes, establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments, authorizing a compensation agreement with the Cleveland Municipal School District, and related authorizations pursuant to Revised Code Sections 5709.40, 5709.42 and 5709.43.

Whereas, Sections 5709.40, 5709.42 and 5709.43 of the Revised Code (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Section 5709.40 of the Revised Code) with respect to such parcels of real property located in the City to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public

improvement tax increment equivalent fund into which such service payments shall be deposited; and

Whereas, a residential and commercial development has been proposed (the "Project") to be located on the parcels and in the area described File No. 1645-05-A (that area, as the parcels therein are consolidated or subdivided and as existing streets are vacated, is hereinafter referred to as the "Property," excluding the portions thereof to be part of public streets and parks otherwise exempt from property taxation); and

Whereas, this Council desires to construct or cause the construction of the public infrastructure improvements described and placed in the above-mentioned file (the "Public Improvements") that once made will directly benefit the Property; and

Whereas, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Revised Code (the "Service Payments"); and

Whereas, the City of Cleveland is an Impacted City within the meaning of Section 1728.01 of the Revised Code; and

Whereas, the Property is located within area designated as the Flats East Bank Community Development Plan Area, which this Council has determined by Ordinance No. _____, passed _____, 2005, is a Blighted Area within the meaning of Section 1728.01 of the Revised Code; and

Whereas, the Property is located in the Cleveland Municipal School District (the "School District"), and the School District has approved the real property tax exemption provided for in this Ordinance and has waived notice requirements on the condition that a compensation agreement be entered into, as provided herein (the "School Agreement"); and

Whereas, the City desires that the Cleveland Cuyahoga County Port Authority (the "Port Authority") and/or the City and other governmental entities construct and finance a portion of the Public Improvements and anticipates that the Port Authority will finance costs relating thereto by the issuance of bonds by the Port Authority secured by the Service Payments (the "Bonds") under the terms of a cooperative agreement to be entered into providing for the City's transfer of the portion of the Service Payments not otherwise paid to the School District; and

Whereas, the construction of the Project and the Public Improvements is necessary to eliminate blighted conditions and prevent the recurrence of blight and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Public Improvements. That the Public Improvements

described in **Exhibit B** hereto intended to be made or caused to be made, by the City are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and improvements on the Property will place direct, additional demand on the Public Improvements.

Section 2. Property Tax Exemption. That pursuant to and in accordance with the provisions of Section 5709.40 of the Revised Code, and, in particular, division (B) of Section 5709.40 of the Revised Code, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40 of the Revised Code) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with tax year 2009 and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 5 hereof a total amount of payments in lieu of taxes available for and sufficient to pay the costs provided in Section 5 hereof.

Section 3. Service Payments. That as provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 5 hereof. This Council hereby authorizes the Mayor, Director of Finance, Director of Economic Development, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. School Agreement. That the Mayor is hereby authorized and directed to sign on behalf of the City a School Agreement between the City and the School District pursuant to Section 5709.82 of the Revised Code providing that the City shall pay the School District a portion of the Service Payments received by the City equal each year to 50% of the amount the School District would have received as real property taxes but for the exemption provided in this Ordinance, that School Agreement to be in such form as is approved by the Mayor and Law Director consistent with the objectives and requirements of this Ordinance, which approval shall be

conclusively evidenced by the signing of the School Agreement.

Section 5. Tax Increment Equivalent Fund. That this Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Revised Code, the Flats East Bank Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvement on the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in division (B) of Section 133.15(B) of the Revised Code;

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City, the Port Authority, the State of Ohio or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay costs charged by the issuer of the obligations;

(iii) to reimburse the City, the Port Authority, the State or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments; and

(iv) to compensate the School District pursuant to the School Agreement.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43 of the Revised Code.

Section 6. Community Reinvestment Area. That to the extent any of the residential units and related facilities are eligible for and are granted a real property tax exemption under the City's existing community reinvestment area program, the City hereby consents for that exemption to supersede the exemption provided in this Ordinance during the years of that community reinvestment area exemption; provided that the exemption under this Ordinance is effective immediately upon the termination of the community reinvestment area exemption.

Section 7. Filing and Reporting to State. That pursuant to Section 5709.40 of the Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio

within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Director of Economic Development or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Revised Code.

Section 8. Captions. That the captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 9. Open Meeting Determination. That it is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 10. City Charter Findings. That it is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 11. Severability. That each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 13. Legislative Intent. That all terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Section 14. Emergency Measure. That this Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the elimination of blighted conditions and prevention of the recurrence of

those conditions and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 1646-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 61st Street to Burten, Bell, Carr Development Corporation, Inc.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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), 124-02-001 and 124-02-044, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 6 in Block "F" in Patten Knowles and Slater Trustees Subdivision of part of Original One Hundred Acre Lot Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southerly side of Quincy Avenue S.E. at its intersection with the Easterly line of East 61st Street (formerly Slater Avenue); thence Easterly along the Southerly line of Quincy Avenue S.E., 54 feet to the Northeast corner of said Sublot No. 6; thence Southerly along the Easterly line of said Sublot, 95 feet; thence Westerly parallel with the Southerly line of Quincy Avenue S.E. to the Easterly line of East 61st Street; thence Northerly along the Easterly line of East

61st Street, 95 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-02-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 117 in Patten, Knowles and Slater Trustees Re-Subdivision of part of Bomford Allotment of part of Original One Hundred Acre Lot Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Easterly line of East 61st Street (formerly Slater Street) at a point 85 feet Northerly from the intersection of said Easterly line with the Northerly line of Scovill Avenue S.E.; thence Easterly parallel with the Northerly line of Scovill Avenue S.E., 45 feet; thence Northerly parallel with the Easterly line of East 61st Street, 35 feet to the Northerly line of said Sublot No. 117; thence Westerly along the Northerly line of said Sublot No. 117, 45 feet to the Easterly line of East 61st Street; thence Southerly along the Easterly line of East 61st Street, 35 feet to the place of beginning, 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. 1647-05.**By Council Member Jackson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Burten, Bell, Carr Development, Inc.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 118-23-064, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-23-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 68 and the Southerly 5 feet of Sublot No. 69 in Coleman and Van Tine's Subdivision of a part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 17 of Maps, Page 8 of Cuyahoga County Records. Said Northerly 35 feet of Sublot No. 68 and the Southerly 5 feet of said Sublot No. 69 together forming a parcel of land having a frontage of 40 feet on the Easterly side of East 70th Street (formerly Irvington Street) and extending back between parallel lines 134 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

tor 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. 1648-05.**By Council Member Jackson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Burten, Bell, Carr Development, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-066 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 109 in H.P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and bounded and described as follows:

Beginning on a Westerly line of East 37th Street (formerly Forest Street), 48 feet Southerly from its intersection with the Southerly line of Cedar Avenue, S.E., thence Westerly at right angles 37 feet 11 inches to the Westerly line of said

Sublot No. 109; thence Southerly along said Westerly line, 29 feet; thence Easterly parallel to the Northerly line of said Sublot No. 109, 37 feet 11 inches to the Westerly line of East 37th Street, thence Northerly along the Westerly line of East 37th Street, 29 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-108 as more fully described below to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sublot No. 18 in Taylor and Hoyt Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 26 feet front on the Easterly side of East 37th Street, and extending back of equal width 73 feet five inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-106 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 32 feet front to rear of Sublot No. 16 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 32 feet front on the Easterly side of Wheat Street, (now known as East 37th Street) and extending back of equal width 73 feet 5 inches deep, as appears by said plat.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-001 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot

No. 84 and the Westerly 8-5/12 feet from front to rear of Sublot No. 85 in Wm. Williams' Allotment of part of Original Ten Acre Lot Nos. 67 to 70, both inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 60 feet, 7 inches front on the Southerly side of Cedar Street, (now known as Cedar Avenue), S.E. and extending back of equal width along the Easterly side of Grant Street, now known as East 39th Street, 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-041 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 72 and 73 in William Williams Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 39th Street (formerly Grant Street) at a point distant 3.50 feet Southerly, measured along said Easterly line, from the Northwestern corner of said Sublot No. 72; thence Northerly along said Easterly line of East 39th Street, 6 feet; thence Easterly and parallel with the Southerly line of said Sublot No. 73, 81.70 feet; thence Northerly, and parallel with the Easterly line of East 39th Street, 34 feet; thence Easterly, and parallel with the Southerly line of said Sublot No. 73, 70 feet to the Easterly line of said Sublot No. 73; thence Southerly, along the Easterly line of said Sublot Nos. 73 and 72, 40 feet; thence Westerly, and parallel with the Northerly line of said Sublot No. 72, 151.70 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-042 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being the Northerly 13 (6/12) feet of Sublot No. 73 and the Southerly 18 (3/12) feet of Sublot No. 74 in W. Williams correction of Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69

and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 31 9/12 feet front on the Easterly side of East 39th Street and extending back of equal width 151 7/12 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. 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. 103-23-055 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 89 in William Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 40th Street, (formerly Case Avenue) at the Southeast corner of said Sublot No. 89, thence Northerly along the Westerly line of East 40th Street to a point which is distant 87 feet Southerly measured along the Westerly line of East 40th Street from its intersection with the Southerly line of Cedar Avenue, Southeast, thence Westerly in a direct line about 151 feet 6 inches to a point on the Easterly line of Sublot No. 87 in said Allotment, distant 88' 9" Southerly measured along said Easterly line from its intersection with the Southerly line of Cedar Avenue, Southeast, thence Southerly along the Easterly line of said Sublot No. 87, 46 feet to a point, thence Easterly in a direct line about 152 feet, 7 3/4 to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-056 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 90 in Wm. Williams' Allotment of part of Original Ten Acre Lots Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 62 feet 2 inches front on the Westerly side of East 40th Street, 202 feet 7 3/4 inches deep on the Northerly line 204 feet 1 1/4 inches deep on the Southerly line, and 62 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 17. 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. 103-23-070 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 102 in William Williams' Re-Subdivision of William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 40th Street, (formerly Case Avenue) at a point 11 feet Northerly measured along said Westerly line from the Southeast corner of said Sublot No. 102; thence continuing Northerly along the Westerly line of East 40th Street, 55 feet to the Northeast corner of said Sublot; thence Westerly along the Northerly line of said Sublot No. 102 a distance of 219 feet 6 1/2 inches to the Northwest corner of said Sublot; thence Southerly along the Westerly line of said Sublot No. 102, 66 feet to the Southwest corner of said Sublot; thence Easterly along the Southerly line of said Sublot No. 102, 106 feet 11 inches to a point 114 feet Westerly measured along said Southerly line from the Westerly line of East 40th Street, thence Northerly parallel with the Westerly line of East 40th Street 11 feet, thence Easterly parallel with the Southerly line of said Sublot No. 102, 114 feet the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 19. 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. 103-23-086 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 75 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning in the Easterly line of East 39th Street at the Southwest corner of said Sublot No. 75; thence North 8° 30' 00" West along the Northeast line of East 39th Street 25 feet; thence North 81° 31' 10" East parallel with the Southeast line of said Sublot No. 75 100 feet; thence South 73° 38' 20" East 16-07/100 feet; thence North 81° 31' 10" East parallel with the South-

easterly line of said Sublot No. 75, 37 feet to the Northeasterly line of said Sublot; thence 8° 30' 00" East along the Northeasterly line of said Sublot No. 18-25/100 feet to the Southeasterly corner thereof; thence South 81° 31' 10" West along the Southeasterly line of said Sublot No. 75 151.58 feet to the place of beginning according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor. Together with and subject to an easement over the following described parcel of land; Southerly-75-SP. 25 East 39th Street 151.58. Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 75 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning at a point in the Northeasterly line of East 39th Street at a point distant North 8° 30' 00" West, 21 feet front the Southwesterly corner of said Sublot No. 75; thence North 8° 30' 00" West along the Northeasterly line of East 39th Street 7-25/100 feet; thence North 81° 31' 10" East parallel with the Southeasterly line of Sublot No. 75, 92-98/100 feet; thence South 73° 38' 20" East 17-26/100 feet; thence South 81° 31' 10" West parallel with the Southeasterly line of said Sublot No. 75, 108-64/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 21. 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. 103-23-087 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 83, in Wm. Williams Allotment of part of Original Ten Acre Lot, Nos. 61, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northwesterly line of said Sublot 83 at a point distant Northeasterly, measured along said Northwesterly line, 110 feet from the Northeasterly line of East 39th Street; thence Northeasterly along the Northwesterly line of said Sublot No. 83; 41 feet 7 inches to the most Northerly corner of said Sublot 8, thence Southeasterly along the Northeasterly line of said Sublot No. 83, 36 feet 7 inches; thence Southwesterly parallel with the Northwesterly line of said Sublot No. 83, 151 feet 7 inches to the Northeasterly line of line said East 39th Street thence Northwesterly 3 feet; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 83, 110 feet; thence Northwesterly parallel with the Northeasterly line of said East 39th Street, 33 feet

6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. 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. 103-23-088 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 24. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Sublot No. 83 in Wm. Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northwesterly line of said Sublot No. 83 at a point distant Northeasterly, measured along said Northwesterly line, 61 feet from the Northeasterly line of East 39th Street; thence Northeasterly along the Northwesterly line of said Sublot No. 83, 49 feet; thence Southeasterly parallel with the Northeasterly line of said East 39th Street, 33 feet 6 inches; thence Southwesterly parallel with the Northwesterly line of said Sublot No. 83, 110 feet to the Northeasterly line of said East 39th Street; thence Northwesterly along said Northeasterly line, 3 feet; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 83, 61 feet; thence Northwesterly parallel with the Northeasterly line of said East 39th Street, 30 feet 6 inches to the place of beginning, as appears by said plat be the same more or less, but subject to all legal highways.

Section 25. 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. 103-23-045 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 26. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 76 in Wm. Williams Allotment of part of Original Ten Acre Lots Nos. 67, 68, 69 and 70 as shown by recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, being 50 feet front on the Easterly side of East 39th Street (formerly Grant Street) and extending back of equal width 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 27. 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. 103-22-029 as

more fully described below, to Burten, Bell, Carr Development, Inc. **Section 28.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Sublot No. 63 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and describes as follows:

Beginning on the Westerly line of East 39th Street at the Northeasterly corner of said Sublot No. 63; thence Southerly along the Westerly line of East 39th Street, about 30 feet, 11 1/4 inches to the Northeasterly corner of land conveyed to Thomas McWilson and Mary McWilson, by deed dated December 6, 1923, and recorded in Volume 2923, Page 163 of Cuyahoga County Records; thence Westerly along the Northerly line of land conveyed to Thomas and Mary McWilson, 51 feet, 7 inches to the Westerly line of Sublot No. 63; thence Northerly along the Westerly line of Sublot No. 63 to the Northwesterly corner thereof, thence Easterly along the Northerly line of Sublot No. 63, 51 feet, 7 inches to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 29. 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 30. 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 31. 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 32. 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. 1649-05.**By Council Member Reed.**

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

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). 135-01-087, 135-01-088 and 135-01-089, as more fully described below, to James J. Van Bergen.

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

P. P. No. 135-01-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 12 in Gibson and Benham's Subdivision of part of Original One Hundred Acre Lot No. 449 as shown by the recorded plat in Volume 20 of Maps, Page 20 of Cuyahoga County Records and being 35 feet front on the Northerly side of Gibson Avenue and extending back 85.61 feet on the Easterly line 85.18 feet on the Westerly line and having a rear line of 35 feet, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 135-01-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Gibson and Benham's Subdivision of part of Original One Hundred Acre Lot No. 449 as shown by the recorded plat in Volume 20 of Maps, Page 20 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Gibson Avenue and extending back 85.61 feet on the Westerly line, 86.02 feet on the Easterly line and having a rear line of 35.01 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.

P. P. No. 135-01-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 14 in Gibson and Benham's Division of part of Original One Hundred Acre Lot No. 449, as shown by the

recorded plat in Volume 20 of Maps, Page 20 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Gibson Street (now known as Gibson Avenue, S.E.) 86-45/100 feet deep on the Easterly line, 86-2/100 feet deep on the Westerly line and 35 feet in the rear, as appears by said plat.

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. 1650-05.**By Council Members Pierce Scott, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the Cleveland Enterprise Park to Project and Construction Services, Inc.

Whereas, the Director of Economic Development has requested the sale of the City-owned property to Project and Construction Services, Inc. (the "Redeveloper") no longer needed for public use and located in the Cleveland Enterprise Park; 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 provi-

sions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use: All of Parcel No. 5 (5.16 acres), as shown on Cleveland Enterprise Park Re-Subdivision Phase I Plat Recorded at Volume 295, pages 88 and 89 of Cuyahoga County Map Records.

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

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

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

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

Ord. No. 1651-05.**By Council Members Cimperman, Pierce Scott and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Hahn Manufacturing Company, to provide development assistance to partially finance the acquisition of personal property including machinery and equipment, for the property located at 4100 Hamilton Avenue, and certain other costs necessary to redevelop the property.

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

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

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its August 25, 2005 meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That, provided Hahn Manufacturing Company submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Hahn Manufacturing Company to provide development assistance to partially finance the acquisition of personal property including machinery and equipment located at 4100 Hamilton Avenue, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1651-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed One Hundred Thirty Thousand Dollars (\$130,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103674.

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

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

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

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

Section 8. 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. 1652-05.
By Council Members Polensek, Pierce Scott, Cimperman and Jackson (by departmental request).

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

Whereas, by Resolution No. , adopted , this Council declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of the acquisition and redevelopment and/or rehabilitation of the blighted premises located at East 185th Street and Neff Road; and

Whereas, notice of the adoption of this resolution has been served on the owners and persons in possession or having an interest of record in the above described property; and

Whereas, the acquisition and redevelopment and/or rehabilitation was determined to be a satisfactory method for eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at East 185th Street and Neff Road; 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 eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at East 185th Street and Neff Road through the acquisition and redevelopment and/or rehabilitation, the following described fee simple interests are appropriated: Permanent Parcel Nos. 114-19-009, 114-19-010, 114-19-011, 114-19-017, 114-19-018, 114-19-019, 114-19-020, 114-19-021, 114-19-022, 114-19-023, 114-19-024, 114-19-025, 114-19-075, 114-19-076, 114-19-077, 114-19-078, 114-20-091, 114-20-092, and 114-23-017.

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.

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

Ord. No. 1653-05.
By Council Members Pierce Scott and Jackson (by departmental request).

An emergency ordinance approving the Tax Incentive Review Council's Year 2004 recommendations.

Whereas, under Section 5709.88 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.88 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under division (D) of Section 5709.88 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC's Year 2004 recommendations contained in File No. 1653-05-A are approved.

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

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

Ord. No. 1654-05.
By Council Members Cimperman, Pierce Scott and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and reconvey properties presently owned by the Cleveland-Cuyahoga County Port Authority located with the Flats East Bank area for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Revised Code Section 5709.41; and authorizing an agreement between the City and the Cleveland-Cuyahoga County Port Authority.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from the Cleveland-Cuyahoga Port Authority ("Port Authority") and re-convey to the Port Authority for a price of one dollar and other valuable consideration determined as fair market value the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code more fully described in the map placed File No. 1654-05-A

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with the Port Authority which shall include the terms and conditions of the transaction authorized by this ordinance.

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

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

Ord. No. 1655-05.

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

An emergency ordinance declaring certain improvements to be for a public purpose and making provision for the collection of service payments in lieu of taxes pursuant to Sections 5709.41 to 5709.43 of the Revised Code, and establishing an Urban Redevelopment Tax Increment Equivalent Fund.

Whereas, pursuant to Article XVIII, Section 3 of the Ohio Constitution and ordinances of the City of Cleveland, the City has undertaken a program of urban redevelopment, involving activities for the elimination of blight and deterioration and the City has, by Ordinance No. _____, 2005 passed _____, 2005, approved the Flats East Bank Community Development Plan (which plan, as it may hereafter be amended, is hereinafter called the "Plan") providing for the redevelopment of

the properties in the area covered by the Plan (the "Plan Area"); and

Whereas, as part of its activities for carrying out redevelopment activities and to eliminate blighted conditions and prevent the recurrence of blight, and to satisfy the requirements of Section 5709.41 of the Revised Code, the City acquired from the Cleveland-Cuyahoga County Port Authority (the "Port Authority") certain property described in File No. 1655-05-A (the "Property"), which Property is located in the Plan Area, and the City has conveyed the Property to the Port Authority for construction of an office building on the property for sale or lease consistent with the Plan (the "Project"); and

Whereas, the City has determined that it is necessary and appropriate and in the best interests of carrying out the Plan and in the best interests of the City to provide for annual service payments in lieu of taxes with respect to the Property ("Service Payments") pursuant to Sections 5709.41 to 5709.43 of the Revised Code and pursuant to Section 553.02.06 of Amended Substitute House Bill 66 signed by the Governor on June 30, 2005; and

Whereas, the Property is located in the Cleveland Municipal School District (the "School District"), and the School District has approved the real property tax exemption provided for in this Ordinance and has waived notice requirements on the condition that a compensation agreement previously authorized by the City be entered into relating to the Plan Area (the "School Agreement"); and

Whereas, the construction of the Project is necessary to eliminate blighted conditions and prevent the recurrence of blight in the Plan Area and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Property Tax Exemption. That pursuant to and in accordance with the provisions of Section 5709.41 of the Revised, this Council hereby finds and determines that 100% of the increase in assessed value of the Property subsequent to its acquisition by the City (which increase in assessed value is hereinafter referred to as the "Improvement" as defined in said Section 5709.41 of the Revised Code) will be a public purpose, and said Improvement is hereby declared to be a public purpose for a period of 30 years and 100% of the Improvement shall thereby be exempt from real property taxation commencing in tax year 2009 and ending after the Improvements have been exempted from real property taxation for 30 years, all in accordance with the requirements of said Sections 5709.41 and 5709.42 of the Revised Code.

Section 2. Service Payments. That as provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes,

which Service Payments, together with any associated rollback payments, shall be deposited in the urban redevelopment tax increment equivalent fund established in Section 3 hereof. This Council hereby authorizes the Mayor, Director of Finance, Director of Economic Development, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 3. Redevelopment Tax Increment Equivalent Fund. That this Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Revised Code, the Flat East Bank Urban Redevelopment Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited the Service Payments distributed to the City with respect to the Improvement on the Property by or on behalf of the County Treasurer as provided in Section 5709.42 of the Revised Code, together with any associated rollback payments. One hundred percent (100%) of the moneys collected shall be deposited in the Fund and shall be retained by the City and used for any or all of the following purposes:

(i) Payment of all costs associated with the construction of the Project, including costs incurred by the Port Authority or other governmental entity and including debt service and related costs on obligations or loans issued or incurred by the City, the Port Authority, or other governmental entity;

(ii) Construction, operation and maintenance of public improvements and publicly-owned facilities, including, but not limited to, streets, storm and sanitary sewers, water treatment facilities and water transmission lines, sidewalks, curbs, street trees and furniture, transitway improvements, off-street parking facilities, street lighting and signalization, pedestrian walkways, and public parks and plazas, whether owned by the City or other governmental entity by agreement with the City, and associated land acquisition and demolition, planning and engineering costs;

(iii) Land and building acquisition, demolition, site preparation, and relocation expenses relating to the Plan Area or other community development, urban renewal or urban redevelopment areas of the City;

(iv) Debt service requirements on bonds or notes issued by the City;

(v) Provision of all or part of the matching local share commitments for state and federal grants;

(vi) Provision of subsidies for construction or renovation loans in connection with community development, urban renewal or urban redevelopment projects in the City;

(vii) Funding any other activities which will facilitate the elimination of blight and deterioration, including any costs arising from carrying out community development, urban renewal or urban redevelopment activities in the City;

(viii) Funding administrative costs and charges incidental to any of items above;

(ix) Compensating the School District pursuant to the School Agreement; and

(x) Any other expenditures permitted by law.

The Fund shall remain in existence so long as such service payments are collected, after which said fund may be dissolved in accordance with said Section 5709.43 and transferred to the General Fund or any other fund as permitted by applicable law.

Section 4. Filing and Reporting to State. That pursuant to Section 5709.41 of the Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Clerk or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under division (D) of Section 5709.41(D) of the Revised Code.

Section 5. Captions. That the captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 6. Open Meeting Determination. That it is found and deter-

mined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 7. City Charter Findings. That it is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 8. Severability. That each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other

than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 9. Legislative Intent. That all terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Section 10. Emergency Measure. That this Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the elimination of blighted conditions and prevention of the recurrence of those conditions and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

Ord. No. 1656-05.

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

An emergency ordinance to amend various sections of Ordinance No. 384-03, passed March 10, 2003, as amended by various ordinances relating to compensation for various classifications.

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

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

Section 1. That the following Sections of Ordinance No. 384-03, passed March 10, 2003:

Section 4, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ordinance No. 1814-04, passed October 4, 2004,

Section 5, as amended by Ordinance No. 605-03, passed June 10, 2003,

Section 7, as amended by Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 287-05, passed March 21, 2005,

Section 8, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 774-05, passed April 25, 2005,

Sections 9, 10, and 12, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 15,

Sections 18 and 22, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 27, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 28, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1505-04, passed August 11, 2004, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 774-05, passed April 25, 2005,

Section 29, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 30, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 585-05, passed April 25, 2005,

Section 32, as amended by Ordinance No. 605-03, passed June 10, 2003,

Section 40, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 774-05, passed April 25, 2005,

Section 42, as amended by Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 2096-03, passed October 27, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 46, as amended by Ordinance No. 605-03, passed June 10, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 52, as amended by Ordinance No. 1814-04, passed October 4, 2004, are amended to read as follows:

Section 4. Employees of Council – Salary

That the Clerk of Council, with the approval of the President of Council, shall fix the salary of the employees of Council within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Administrative Assistant.....	\$21,851.06	\$ 69,251.79
2. Administrative Secretary.....	\$20,800.00	\$ 69,251.79
3. Assistant Legislative Clerk.....	\$20,800.00	\$ 54,274.17
4. Chief City Archivist.....	\$21,851.06	\$ 73,042.72
5. Chief Legislative Secretary.....	\$21,851.06	\$ 73,042.72
6. Council Receptionist.....	\$20,800.00	\$ 43,825.63
7. Deputy City Archivist.....	\$20,800.00	\$ 69,251.79
8. Deputy Clerk.....	\$21,851.06	\$ 69,251.79
9. Director of Communications.....	\$24,974.46	\$ 73,042.72
10. Director of Policy Research.....	\$24,974.46	\$ 73,042.72
11. Executive Assistant – Administration.....	\$24,974.46	\$ 73,042.72
12. Executive Assistant – Councilmembers.....	\$ 10.00	\$ 15.09
13. Executive Assistant to the Clerk of Council.....	\$24,974.46	\$ 73,042.72
14. Financial Assistant.....	\$20,800.00	\$ 43,825.60
15. Financial Manager.....	\$21,851.06	\$ 73,042.72
16. Financial Officer.....	\$20,800.00	\$ 69,251.79
17. First Assistant Clerk.....	\$24,975.91	\$ 73,042.72
18. Information and Technology Administrator.....	\$21,851.06	\$ 69,251.79
19. Information Systems Engineer.....	\$24,974.46	\$ 73,042.72
20. Legislative Assistant.....	\$20,800.00	\$ 58,434.18
21. Legislative Committee Clerk.....	\$20,800.00	\$ 58,434.18
22. Legislative Secretary.....	\$20,800.00	\$ 58,434.18
23. Personnel and Human Resources Assistant.....	\$20,800.00	\$ 69,251.79
24. Personnel and Human Resources Manager.....	\$21,851.06	\$ 73,042.72
25. Planning and Development Advisor.....	\$55,000.00	\$ 72,800.00
26. Policy Research Analyst.....	\$21,851.06	\$ 69,251.79
27. Public Relations Manager.....	\$21,851.06	\$ 73,042.72
28. Sergeant-at-Arms.....	\$20,800.00	\$ 40,180.29
29. Special Counsel.....	\$41,416.04	\$ 78,000.00

Section 5. Secretary of Civil Service Commission, Secretaries to Director, Secretary to Director of Department of Port Control, Assistant Directors of Finance and Executive Assistants to the Mayor

That the salary of the Secretary of the Civil Service Commission, the salary of the Secretary to each Director of a Department, the salary of the Assistant Director of Finance and the salaries of four Executive Assistants to the Mayor shall be fixed by the Mayor in accordance with the following schedule:

	Minimum	Maximum
1. Four Executive Assistants to the Mayor.....	\$35,410.47	\$134,810.38
2. Special Assistant to the Mayor.....	\$20,800.00	\$ 90,000.00
3. Secretary to Directors of Departments.....	\$36,590.39	\$128,960.00
4. Secretary of the Civil Service Commission.....	\$25,011.85	\$ 90,000.00
5. Secretary to Director of Department of Port Control.....	\$41,312.22	\$133,780.47
6. Assistant Director of Finance.....	\$36,590.39	\$128,960.00
7. Assistant Director of Finance for Technology.....	\$36,590.39	\$128,960.00

Section 7. Service Employees International Union, District 1199, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Custodial Worker.....	\$ 10.00	\$ 13.54
2. Window Washer.....	\$ 12.54	\$ 18.37
3. Bridge Oiler.....	\$ 10.00	\$ 16.33

Section 8. International Local 100, AFSCME Ohio Council 8 AFL-CIO. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant I.....	\$ 10.00	\$ 17.95
2. Accountant II.....	\$ 10.00	\$ 19.69
3. Accountant III.....	\$ 10.00	\$ 21.83
4. Accountant Clerk I.....	\$ 10.00	\$ 14.54
5. Accountant Clerk II.....	\$ 10.00	\$ 15.71
6. Activities Therapist.....	\$ 10.00	\$ 13.82
7. AIDS Support Services Coordinator.....	\$ 10.49	\$ 15.46
8. Air Pollution Control Engineer I.....	\$ 10.00	\$ 23.08
9. Air Pollution Control Engineer II.....	\$ 10.00	\$ 24.33
10. Air Pollution Control Engineer III.....	\$ 10.00	\$ 25.63
11. Air Pollution Engineer.....	\$ 12.04	\$ 18.02

12.	Air Pollution Inspector I.....	\$	12.12	\$	18.57
13.	Air Pollution Inspector II.....	\$	10.00	\$	20.71
14.	Air Pollution Technician I.....	\$	10.00	\$	19.69
15.	Air Pollution Technician II.....	\$	10.00	\$	20.71
16.	Air Pollution Technician III.....	\$	10.00	\$	23.08
17.	Airport Information Representative.....	\$	10.02	\$	15.08
18.	Airport Operations Agent I.....	\$	14.14	\$	18.65
19.	Airport Operations Agent II.....	\$	17.77	\$	21.95
20.	Airport Safety Man.....	\$	14.19	\$	19.07
21.	Architect.....	\$	10.00	\$	27.14
22.	Associate Engineer.....	\$	17.83	\$	25.39
23.	Assistant Buyer.....	\$	10.00	\$	18.83
24.	Assistant City Planner.....	\$	10.00	\$	19.69
25.	Assistant Civil Engineer.....	\$	10.00	\$	19.69
26.	Assistant Electrical Engineer.....	\$	10.00	\$	19.69
27.	Assistant Mechanical Engineer.....	\$	10.00	\$	19.69
28.	Assistant Plan Examiner.....	\$	13.42	\$	20.71
29.	Associate Programmer.....	\$	10.00	\$	21.10
30.	Bacteriologist.....	\$	10.00	\$	21.82
31.	Bill Collector.....	\$	10.02	\$	15.08
32.	Billing Clerk.....	\$	10.00	\$	15.07
33.	Building Inspector.....	\$	14.26	\$	20.02
34.	Camera Room Operator.....	\$	10.00	\$	17.14
35.	Caseworker I.....	\$	10.00	\$	16.37
36.	Caseworker II.....	\$	10.00	\$	17.95
37.	Cashier/Starter.....	\$	10.00	\$	17.95
38.	Chemist.....	\$	10.00	\$	23.85
39.	Chief Miscellaneous Investigator.....	\$	10.00	\$	20.71
40.	Citizens Information Representative.....	\$	10.00	\$	17.14
41.	Civil Engineer.....	\$	10.00	\$	27.14
42.	Claims Examiner.....	\$	10.00	\$	20.71
43.	Clerk Typist.....	\$	10.00	\$	11.24
44.	Clinical Laboratory Assistant.....	\$	10.00	\$	17.14
45.	Clinical Laboratory Technician I.....	\$	10.00	\$	19.69
46.	Clinical Laboratory Technician II.....	\$	10.00	\$	21.10
47.	Cocaine Treatment Counselor I.....	\$	10.00	\$	16.30
48.	Cocaine Intake Specialist.....	\$	10.00	\$	14.67
49.	Community Development Code Enforcement Inspector I.....	\$	14.08	\$	21.84
50.	Community Development Code Enforcement Inspector II.....	\$	14.89	\$	23.08
51.	Community Development Code Enforcement Inspector III.....	\$	15.70	\$	24.33
52.	Community Development Code Enforcement Inspector/Heating I.....	\$	14.08	\$	21.84
53.	Community Development Code Enforcement Inspection/Heating II.....	\$	14.89	\$	23.08
54.	Community Development Code Enforcement Inspection/Heating III.....	\$	15.70	\$	24.33
55.	Community Development Code Enforcement Inspector/Refrigeration I.....	\$	14.05	\$	21.84
56.	Community Development Code Enforcement Inspector/Refrigeration II.....	\$	14.89	\$	23.08
57.	Community Development Code Enforcement Inspector/Refrigeration III.....	\$	15.70	\$	24.33
58.	Community Development Code Enforcement Inspector/Trainee.....	\$	10.00	\$	17.62
59.	Community Development Planner.....	\$	10.00	\$	26.11
60.	Community Health Aide.....	\$	10.00	\$	14.53
61.	Community Relations Representative I.....	\$	10.00	\$	17.14
62.	Community Relations Representative II.....	\$	10.00	\$	20.71
63.	Community Relations Representative III.....	\$	10.00	\$	25.63
64.	Composing Equipment Operator.....	\$	10.00	\$	18.83
65.	Computer Monitor Assistant.....	\$	10.00	\$	12.45
66.	Computer Operator.....	\$	10.00	\$	20.71
67.	Construction Technician.....	\$	12.02	\$	20.71
68.	Consumer Protection Specialist.....	\$	10.00	\$	16.37
69.	Contract and Monitoring Specialist.....	\$	10.00	\$	21.91
70.	Cook.....	\$	11.38	\$	14.18
71.	Copy Center Operator.....	\$	10.00	\$	16.64
72.	Cost Construction Estimator.....	\$	10.00	\$	20.16
73.	Customer Service Representative.....	\$	10.03	\$	15.70
74.	Data Control Clerk.....	\$	10.00	\$	15.09
75.	Data Conversion Operator.....	\$	10.00	\$	13.67

76.	Dental Assistant.....	\$	10.00	\$	14.25
77.	Development Officer.....	\$	10.00	\$	24.32
78.	Dietician.....	\$	10.00	\$	17.94
79.	Disease Surveillance Specialist.....	\$	14.42	\$	28.85
80.	Drug and Alcohol Counselor.....	\$	10.00	\$	13.34
81.	Electrical Engineer.....	\$	10.00	\$	27.14
82.	Electronic Engineer.....	\$	10.00	\$	27.63
83.	Elevator Inspector.....	\$	14.23	\$	21.84
84.	Engineer.....	\$	22.78	\$	30.90
85.	Environmental Compliance Specialist I.....	\$	14.95	\$	20.63
86.	Environmental Compliance Specialist II.....	\$	16.35	\$	21.61
87.	Environmental Compliance Specialist III.....	\$	17.90	\$	27.81
88.	Environmental Enforcement Specialist I.....	\$	14.95	\$	21.48
89.	Environmental Enforcement Specialist II.....	\$	16.35	\$	22.51
90.	Environmental Enforcement Specialist III.....	\$	17.90	\$	23.59
91.	Environmental Monitoring Specialist I.....	\$	13.33	\$	21.29
92.	Environmental Monitoring Specialist II.....	\$	14.18	\$	22.29
93.	Environmental Monitoring Specialist III.....	\$	15.74	\$	23.36
94.	Environmental Technician.....	\$	12.35	\$	18.56
95.	Family Planning Clerk.....	\$	10.00	\$	12.57
96.	Financial Analyst.....	\$	10.00	\$	19.69
97.	Financial Counselor.....	\$	10.00	\$	20.71
98.	First Press Operator.....	\$	12.00	\$	19.76
99.	Fuel System Technician.....	\$	10.00	\$	18.30
100.	General Health Aide.....	\$	10.00	\$	14.54
101.	General Storekeeper.....	\$	10.00	\$	21.83
102.	Geriatric Outreach Worker.....	\$	10.00	\$	19.69
103.	Hardware Analyst.....	\$	14.48	\$	45.24
104.	Hazardous Material Specialist.....	\$	21.63	\$	29.00
105.	Head Cook.....	\$	10.00	\$	15.68
106.	Head Storekeeper.....	\$	10.00	\$	19.70
107.	Health Educator I.....	\$	10.00	\$	17.95
108.	Health Educator II.....	\$	10.00	\$	19.69
109.	Heating Inspector.....	\$	14.23	\$	20.02
110.	Help Desk Analyst.....	\$	12.02	\$	22.50
111.	HIV Educator.....	\$	10.00	\$	11.46
112.	House Connection Inspector.....	\$	12.70	\$	16.74
113.	Housing Inspector.....	\$	14.60	\$	17.82
114.	Human Resources Contract Specialist.....	\$	10.00	\$	27.13
115.	Human Resources On-the-Job Training Specialist.....	\$	10.21	\$	23.07
116.	Human Resources Planner.....	\$	10.74	\$	28.66
117.	Human Resources Special Projects Coordinator.....	\$	10.21	\$	23.07
118.	Income Tax Tracer.....	\$	10.04	\$	15.87
119.	Industrial Hygiene Engineer.....	\$	10.00	\$	27.13
120.	Industrial Nuisance Inspector.....	\$	10.00	\$	17.95
121.	Information Control Analyst.....	\$	10.00	\$	18.79
122.	Inspector of Weight and Measures.....	\$	10.00	\$	16.37
123.	Instrumentation Technician I.....	\$	16.87	\$	19.28
124.	Instrumentation Technician II.....	\$	18.83	\$	21.24
125.	Instrument Repairman.....	\$	10.00	\$	18.98
126.	Intake Specialist.....	\$	10.00	\$	14.54
127.	Job Retraining Assistant.....	\$	10.00	\$	19.69
128.	Junior Cashier.....	\$	10.00	\$	15.08
129.	Junior Chemist.....	\$	10.00	\$	15.71
130.	Junior City Planner.....	\$	10.00	\$	17.95
131.	Junior Civil Engineer.....	\$	10.00	\$	17.95
132.	Junior Clerk.....	\$	10.00	\$	12.57
133.	Junior Draftsman.....	\$	10.00	\$	15.41
134.	Junior Engineering Aide.....	\$	10.00	\$	15.71
135.	Lab Coordinator.....	\$	16.82	\$	23.88
136.	Laboratory Assistant.....	\$	10.00	\$	17.14
137.	Laboratory Helper.....	\$	10.00	\$	13.54
138.	Landscape Architect.....	\$	10.00	\$	25.63
139.	Lead Pressman.....	\$	10.00	\$	19.97
140.	Life Guard.....	\$	10.00	\$	14.35
141.	Life Guard Captain.....	\$	10.00	\$	17.78
142.	Mechanical Engineer.....	\$	10.00	\$	27.13
143.	Messenger.....	\$	10.00	\$	13.54
144.	Meter Reader.....	\$	12.82	\$	17.12
145.	Minority Business Consultant.....	\$	11.15	\$	30.20
146.	Miscellaneous Investigator.....	\$	10.00	\$	16.54
147.	Monitoring, Auditing and Evaluation Coordinator.....	\$	13.65	\$	19.99
148.	Network Analyst I.....	\$	14.52	\$	31.33
149.	Office Machine Operator.....	\$	10.00	\$	13.18

150.	On The Job Training Specialist.....	\$	12.71	\$	19.31
151.	Park and Recreation Planner.....	\$	10.00	\$	25.63
152.	Parking Attendant.....	\$	10.00	\$	14.54
153.	Parking Meter Collector.....	\$	10.00	\$	14.51
154.	Parking Meter Serviceman.....	\$	13.62	\$	15.27
155.	Permit Processing Specialist.....	\$	10.00	\$	12.18
156.	Pharmacist.....	\$	10.74	\$	28.65
157.	Pharmacodependent Rehabilitation Counselor I.....	\$	10.00	\$	13.90
158.	Pharmacodependent Rehabilitation Counselor II.....	\$	10.00	\$	16.42
159.	Photographer.....	\$	10.00	\$	19.69
160.	Photographic Laboratory Technician.....	\$	10.00	\$	17.14
161.	Photo-Litho Operator.....	\$	10.00	\$	15.71
162.	Physical Director.....	\$	10.00	\$	17.71
163.	Plan Examiner.....	\$	10.00	\$	23.42
164.	Play Director.....	\$	10.00	\$	12.41
165.	Police Data Specialist.....	\$	10.00	\$	13.67
166.	Police Radio Technician.....	\$	16.38	\$	18.66
167.	Pressman.....	\$	10.00	\$	19.32
168.	Preventive Health Counselor.....	\$	13.59	\$	20.03
169.	Preventive Health Educator.....	\$	10.00	\$	13.46
170.	Principal Cashier.....	\$	10.00	\$	21.10
171.	Principal Clerk.....	\$	11.93	\$	17.85
172.	Print Shop Helper.....	\$	10.61	\$	13.30
173.	Private Secretary.....	\$	10.00	\$	18.83
174.	Program Analyst.....	\$	16.64	\$	27.30
175.	Programmer.....	\$	10.00	\$	24.33
176.	Programmer Analyst.....	\$	10.00	\$	27.30
177.	Property Clerk.....	\$	11.37	\$	30.22
178.	Psychiatric Social Worker.....	\$	12.48	\$	19.64
179.	Psychologist I.....	\$	10.74	\$	26.12
180.	Psychologist II.....	\$	12.88	\$	30.79
181.	Public Health Nursing Aide.....	\$	10.63	\$	12.55
182.	Public Health Sanitarian I.....	\$	12.78	\$	19.44
183.	Public Health Sanitarian II.....	\$	14.35	\$	20.96
184.	Public Health Sanitarian III.....	\$	15.49	\$	21.78
185.	Public Health Sanitarian IV.....	\$	10.00	\$	26.50
186.	Public Information Officer.....	\$	10.00	\$	20.71
187.	Quality Assurance Analyst.....	\$	10.00	\$	24.32
188.	Quality Control Coordinator.....	\$	16.82	\$	23.89
189.	Radio Dispatcher.....	\$	17.33	\$	18.66
190.	Radio Technician.....	\$	16.38	\$	18.66
191.	Receptionist.....	\$	10.00	\$	13.86
192.	Records Manager.....	\$	10.00	\$	14.53
193.	Recreation Aide.....	\$	10.00	\$	10.00
194.	Recreation Instructor.....	\$	10.00	\$	14.54
195.	Recreation Instructor I.....	\$	10.00	\$	15.49
196.	Recreation Instructor II.....	\$	10.00	\$	16.09
197.	Recreation Instructor III.....	\$	10.00	\$	17.02
198.	Recreation Program Supervisor.....	\$	10.00	\$	15.82
199.	Redevelopment Advisor.....	\$	10.00	\$	21.83
200.	Redevelopment Coordinator.....	\$	10.00	\$	24.33
201.	Refrigeration Inspector.....	\$	14.26	\$	20.02
202.	Refugee Outreach Worker.....	\$	10.00	\$	13.53
203.	Registered Animal Health Technician.....	\$	10.00	\$	14.54
204.	Rehabilitation Advisor.....	\$	10.00	\$	18.83
205.	Rehabilitation Inspector.....	\$	14.60	\$	24.33
206.	Sanitarian Aide.....	\$	11.62	\$	14.11
207.	Second Press Operator.....	\$	10.00	\$	17.68
208.	Secretary.....	\$	10.00	\$	15.71
209.	Secretary to Director of Consumer Affairs.....	\$	10.00	\$	25.63
210.	Senior Assistant Architect.....	\$	10.00	\$	21.83
211.	Senior Assistant City Planner.....	\$	10.00	\$	21.83
212.	Senior Assistant Civil Engineer.....	\$	10.00	\$	21.83
213.	Senior Assistant Electrical Engineer.....	\$	10.00	\$	21.83
214.	Senior Assistant Mechanical Engineer.....	\$	10.00	\$	21.83
215.	Senior Assistant Traffic Engineer.....	\$	10.00	\$	21.83
216.	Senior Bacteriologist.....	\$	10.00	\$	18.83
217.	Senior Cashier.....	\$	10.00	\$	17.95
218.	Senior Chemist.....	\$	10.00	\$	20.71
219.	Senior Clerk.....	\$	10.29	\$	14.74
220.	Senior Computer Operator.....	\$	10.00	\$	24.33
221.	Senior Contract and Monitoring Specialist.....	\$	11.34	\$	25.79
222.	Senior Data Conversion Operator.....	\$	10.80	\$	16.38
223.	Senior Development Officer.....	\$	12.63	\$	31.91

224.	Senior Draftsman	\$	10.00	\$	17.61
225.	Senior Engineering Draftsman and Photographer	\$	10.00	\$	19.69
226.	Senior Information Control Analyst	\$	10.00	\$	20.71
227.	Senior Laboratory Technician	\$	10.86	\$	16.02
228.	Senior Landscape Architect	\$	10.00	\$	27.13
229.	Senior Site Inspector - Demolition	\$	10.00	\$	23.07
230.	Sewer Service Man	\$	14.99	\$	17.12
231.	Site Inspector	\$	10.00	\$	20.71
232.	Social Worker for Homeless	\$	13.82	\$	20.37
233.	Starter (Golf)	\$	10.00	\$	12.04
234.	S.T.D. Clerk	\$	10.00	\$	11.63
235.	Stenographer I	\$	10.00	\$	13.21
236.	Stenographer II	\$	10.77	\$	14.74
237.	Stenographer III	\$	10.00	\$	16.37
238.	Stock Clerk	\$	10.00	\$	16.19
239.	Storekeeper	\$	10.00	\$	18.44
240.	Street Obstruction Inspector	\$	10.00	\$	17.14
241.	Surveyor	\$	10.00	\$	24.33
242.	Tax Auditor I	\$	10.60	\$	16.66
243.	Tax Auditor II	\$	12.41	\$	18.42
244.	Technical Specialist	\$	10.00	\$	20.71
245.	Technical Specifications Writer	\$	10.00	\$	21.84
246.	Telecommunications Analyst	\$	14.53	\$	38.83
247.	Telephone Operator	\$	10.00	\$	15.08
248.	Telephone Supervisor	\$	10.00	\$	15.71
249.	Timekeeper	\$	10.00	\$	15.71
250.	Traffic Engineer	\$	10.00	\$	25.63
251.	Traffic Sign and Marking Technician	\$	13.68	\$	15.71
252.	Typist	\$	10.00	\$	13.68
253.	Urban Planning and Development Technician	\$	10.00	\$	13.68
254.	Utility Adjuster	\$	10.64	\$	14.74
255.	Vector Control Assistant	\$	10.00	\$	13.11
256.	Veteran's Counselor	\$	10.00	\$	17.83
257.	Water Hydraulic Repairman	\$	14.99	\$	17.12
258.	Water Meter Repairman	\$	14.99	\$	17.12
259.	Water Pipe Repairman	\$	13.58	\$	17.12
260.	Water Serviceman	\$	10.00	\$	14.62
261.	Water System Construction Inspector	\$	15.67	\$	21.39
262.	Web Content Editor	\$	10.00	\$	26.44

Section 9. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Guard	\$ 10.00	\$ 15.45
2. Correctional Officer	\$ 12.18	\$ 15.45
3. Institutional Guard	\$ 12.18	\$ 15.45

Section 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bilingual Communication Specialist	\$22,882.82	\$ 34,512.20
2. Police Radio Dispatcher	\$22,885.90	\$ 37,787.92
3. Police Safety Aide	\$20,800.00	\$ 26,902.62
4. Safety Telephone Operator	\$21,266.04	\$ 29,218.77

Section 12. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Building Stationary Engineer	\$ 10.14	\$ 17.98
2. Chief Building Stationary Engineer	\$ 12.37	\$ 19.23
3. Chief Stationary Engineer	\$ 10.00	\$ 20.43
4. Stationary Boiler Room Operator	\$ 12.29	\$ 18.65
5. Water Plant Operator I	\$ 15.70	\$ 19.69
6. Water Plant Operator II	\$ 17.73	\$ 21.09

Section 15. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Man	\$ 11.97	\$ 16.79
2. Concrete Mixer Driver	\$ 14.82	\$ 20.83
3. Dog Warden	\$ 11.04	\$ 15.50
4. Ground Maintenance Truck Driver II	\$ 12.34	\$ 17.35

5.	Hostler.....	\$ 10.00	\$ 13.77
6.	Parking Enforcement Officer.....	\$ 10.00	\$ 13.69
7.	Street Carry-all Driver.....	\$ 15.55	\$ 21.84
8.	Street Maintenance Equipment Leader.....	\$ 16.15	\$ 22.69
9.	Street Equipment Maintenance Specialist.....	\$ 15.55	\$ 21.84
10.	Tanker Truck Driver.....	\$ 15.55	\$ 21.84
11.	Tow Truck Operator.....	\$ 11.80	\$ 16.60
12.	Traffic Controller.....	\$ 10.00	\$ 13.69
13.	Truck Driver.....	\$ 12.50	\$ 17.58
14.	Waste Collection Driver.....	\$ 12.33	\$ 17.33
15.	Waste Collection Roll-Off Driver.....	\$ 15.52	\$ 22.27

Section 18. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bridge Attendant.....	\$ 10.00	\$ 14.38
2. Electric Bridge Operator.....	\$ 10.00	\$ 17.36

Section 22. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Nurse II.....	\$20,800.00	\$ 44,901.68
2. Public Health Nurse.....	\$20,800.00	\$ 44,901.68
3. Public Health Nurse I.....	\$23,146.64	\$ 43,718.64
4. Public Health Nurse II.....	\$35,887.06	\$ 42,222.94
5. Public Health Nurse III.....	\$39,098.75	\$ 46,599.60
6. Public Health Nurse IV.....	\$28,151.33	\$ 50,854.66
7. Public Health Nurse V.....	\$30,653.67	\$ 55,907.66
8. Public Health Nurse VI.....	\$35,658.35	\$ 64,619.87
9. Supervising Public Health Nurse.....	\$23,647.11	\$ 49,007.97

Section 27. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Budget Analyst.....	\$20,800.00	\$ 48,027.87
2. Buyer.....	\$20,800.00	\$ 43,909.55
3. Civil Service Examiner I.....	\$20,800.00	\$ 36,813.77
4. Civil Service Examiner II.....	\$20,800.00	\$ 39,592.43
5. Civil Service Examiner III.....	\$20,800.00	\$ 45,446.40
6. Civil Service Examiner IV.....	\$20,800.00	\$ 56,401.29
7. Court Stenographer.....	\$20,800.00	\$ 36,888.49
8. Docket Clerk.....	\$20,800.00	\$ 32,909.27
9. Junior Personnel Assistant.....	\$20,800.00	\$ 35,666.32
10. Law Librarian.....	\$20,800.00	\$ 35,563.14
11. Legal Secretary.....	\$20,800.00	\$ 41,600.00
12. Misdemeanor Investigator.....	\$20,800.00	\$ 43,069.31
13. Office Manager.....	\$20,800.00	\$ 35,285.27
14. Parking Enforcement Analyst.....	\$20,800.00	\$ 40,374.78
15. Paralegal.....	\$20,800.00	\$ 39,592.55
16. Personnel Assistant.....	\$20,800.00	\$ 40,978.30
17. Private Secretary to Director.....	\$20,800.00	\$ 43,079.73
18. Senior Personnel Assistant.....	\$20,800.00	\$ 45,446.40
19. Tape Librarian.....	\$20,800.00	\$ 37,785.73

Section 28. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administrative Officer.....	\$20,800.00	\$ 48,000.35
2. Cable Protection Specialist.....	\$20,800.00	\$ 34,916.09
3. Case Worker Supervisor.....	\$20,800.00	\$ 40,978.30
4. Chief Air Pollution Inspector.....	\$20,800.00	\$ 46,377.15
5. Chief Caseworker Supervisor.....	\$22,426.64	\$ 41,623.16
6. Chief Clerk.....	\$22,050.00	\$ 43,079.97
7. Chief Photographer.....	\$20,800.00	\$ 46,377.15
8. Reserved * moved to Section 14a on 8-11-04.....		
9. Chief Telephone Operator.....	\$20,800.00	\$ 45,337.31
10. Cocaine Treatment Supervisor.....	\$22,426.64	\$ 43,079.97
11. Composing Supervisor.....	\$20,800.00	\$ 39,592.55
12. Consumer Protection Supervisor.....	\$20,800.00	\$ 41,623.16
13. Custodial Worker Supervisor.....	\$20,800.00	\$ 38,287.94

14.	Epidemiologist.....	\$40,000.00	\$75,000.00
15.	Personnel Analyst I.....	\$21,000.00	\$42,815.94
16.	Safety Programs Officer I.....	\$25,000.00	\$60,000.00
17.	Safety Programs Officer II.....	\$25,000.00	\$42,000.00
18.	Secretary to Board of Examiner of Board of Review (Electrical)	\$20,800.00	\$36,043.06
19.	Secretary - Boxing and Wrestling Commission.....	\$30,573.46	\$32,909.27
20.	Superintendent of Maintenance	\$23,606.98	\$51,844.45
21.	Superintendent of Street Cleaning	\$25,967.68	\$42,294.71
22.	Superintendent of Waste Collection	\$29,508.73	\$51,844.45
23.	Supervisor of Income Tax Files.....	\$20,800.00	\$36,043.06
24.	Supervisor of Storeroom and Mailing	\$20,800.00	\$32,909.27

Section 29. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Airport Maintenance Supervisor.....	\$21,019.66	\$ 48,000.55
2.	Assistant Chief Building Inspector	\$20,800.00	\$ 53,217.22
3.	Assistant Chief Housing Inspector.....	\$20,800.00	\$ 46,375.87
4.	Assistant Custodian	\$20,800.00	\$ 43,908.22
5.	Assistant Superintendent of Electrical Generation	\$21,019.66	\$ 51,392.31
6.	Bridge Inspector.....	\$20,800.00	\$ 37,785.85
7.	Bureau Manager - Housing.....	\$26,797.11	\$ 74,429.85
8.	Bureau Manager - Demolition.....	\$26,797.11	\$ 74,429.85
9.	Bureau Manager - Building	\$26,797.11	\$ 74,429.85
10.	Cable Production Manager.....	\$20,800.00	\$ 84,320.09
11.	Chief Bridge Operator.....	\$20,800.00	\$ 45,445.01
12.	Chief of Electric Meter Bureau	\$26,274.57	\$ 64,152.29
13.	Chief Guard.....	\$20,092.80	\$ 37,578.00
14.	Chief Safety Signal System	\$ 18.60	\$ 33.34
15.	Chief Sidewalk Inspector.....	\$20,800.00	\$ 41,626.61
16.	Chief Street Permit Inspector.....	\$20,800.00	\$ 39,592.55
17.	Chief of Traffic Signal Unit	\$ 18.60	\$ 33.34
18.	Community Development Code Enforcement Inspector Supervisor	\$34,464.91	\$ 51,515.32
19.	Coordinator of Parking Enforcement	\$20,800.00	\$ 47,438.90
20.	Correctional Supervisor.....	\$20,800.00	\$ 46,377.15
21.	District Forester.....	\$31,043.38	\$ 52,860.45
22.	Electric Bridge Operator Leader	\$ 10.00	\$ 17.52
23.	Environmental Assistant.....	\$20,800.00	\$ 46,377.15
24.	Field Operations Forester.....	\$32,445.00	\$ 54,857.18
25.	General Superintendent of Waste Collection	\$30,473.96	\$ 57,774.00
26.	House Sergeant.....	\$20,800.00	\$ 33,195.83
27.	Instrumentation Supervisor.....	\$29,200.50	\$ 60,840.00
28.	Parking Meter Foreman.....	\$24,679.38	\$ 37,354.24
29.	Printing Foreman	\$28,404.92	\$ 47,197.05
30.	Supervisor of Landscape Construction	\$20,800.00	\$ 42,294.71
31.	Supervisor of Parking Enforcement Unit	\$20,800.00	\$ 36,844.64
32.	Supervisor of Markets.....	\$20,800.00	\$ 40,978.30
33.	Supervisor of Weights and Measures.....	\$20,800.00	\$ 39,592.55
34.	Survey Party Chief	\$20,800.00	\$ 51,030.05
35.	Tunnel Maintenance Foreman	\$20,800.00	\$ 34,603.01
36.	Tunnel Maintenance Man	\$20,800.00	\$ 31,593.60

Section 30. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Accountant IV	\$20,800.00	\$ 53,834.24
2.	Airport Operations Agent III.....	\$20,800.00	\$ 50,543.24
3.	Assistant Bureau Chief-Demolition	\$20,800.00	\$ 48,834.05
4.	Assistant Financial Systems Coordinator.....	\$20,800.00	\$ 48,834.05
5.	Assistant Personnel Administrator	\$20,800.00	\$ 50,543.24
6.	Assistant Water Plant Manager.....	\$ 10.00	\$ 30.00
7.	Assistant Water Plant Manager - Parma	\$ 10.00	\$ 30.00
8.	Budget and Management Analyst.....	\$20,800.00	\$ 50,543.24
9.	Chief Dog Warden.....	\$20,800.00	\$ 74,360.00
10.	Labor Relations Assistant.....	\$20,800.00	\$ 48,834.05
11.	Machinist Unit Leader	\$ 14.28	\$ 22.65

12.	Rehabilitation Supervisor	\$20,800.00	\$ 48,834.05
13.	Superintendent of Sewer Maintenance.....	\$20,800.00	\$ 67,600.00
14.	Supervisor of Architectural Construction	\$20,800.00	\$ 50,563.90
15.	Supervisor of Personnel Records.....	\$20,800.00	\$ 48,834.05
16.	Supervisor of Site Development	\$20,800.00	\$ 48,834.05
17.	Supervisor of Vital Statistics.....	\$20,800.00	\$ 50,543.24
18.	Systems Analyst	\$20,800.00	\$ 56,000.00
19.	Water System Construction Inspector Supervisor.....	\$20,800.00	\$ 56,680.00

Section 32. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1.	Air Pollution Control, Engineer IV.....	\$ 54,494.00
2.	Airport Safety Shift Commander	\$ 54,494.00
3.	Assistant Administrator.....	\$ 58,093.33
4.	Assistant Health Center Director.....	\$ 54,494.00
5.	Assistant Manager of Marketing.....	\$ 54,494.00
6.	Assistant Security Manager.....	\$ 57,628.48
7.	Central Payroll Supervisor.....	\$ 78,000.00
8.	Chief Building Inspector.....	\$ 57,651.98
9.	Chief Electrical Inspector	\$ 54,494.00
10.	Chief Elevator Inspector.....	\$ 54,494.00
11.	Chief Environmental Health-Engineering.....	\$ 54,494.00
12.	Chief Heating Inspector.....	\$ 55,508.78
13.	Chief Housing Inspector.....	\$ 56,401.29
14.	Chief Plumbing Inspector.....	\$ 54,494.00
15.	Chief Rehabilitation Supervisor.....	\$ 56,401.29
16.	Contract Supervisor - Division of Purchases and Supplies.....	\$ 54,494.00
17.	Data Processing Supervisor.....	\$ 54,494.00
18.	Human Resources Contract Administrator	\$ 72,734.99
19.	Manager of Public Utilities - Building Maintenance	\$ 72,800.00
20.	Senior Systems Analyst.....	\$ 74,000.00
21.	Shift Supervisor Operations	\$ 54,494.00
22.	Superintendent of Distribution	\$ 67,600.00
23.	Superintendent of Pumping.....	\$ 54,494.00
24.	Superintendent of Purchased Power	\$ 67,843.24
25.	Superintendent of Purification	\$ 54,494.00
26.	Supervising Tax Auditor	\$ 54,494.00
27.	Supervisor of Civil Service Records.....	\$ 54,494.00

Section 40. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1.	Application Delivery Services Manager.....	\$ 88,400.00
2.	Customer Support Center Manager.....	\$ 88,400.00
3.	Database Administrator.....	\$ 99,469.60
4.	Database Coordinator.....	\$ 73,493.68
5.	Information Technology Electronic Data Processing Auditor.....	\$ 72,800.00
6.	Information Technology Security Officer.....	\$ 73,206.64
7.	IT Asset Management Analyst.....	\$ 46,800.00
8.	IT Asset Management Coordinator.....	\$ 70,274.88
9.	IT Network and Data Center Operations Manager.....	\$ 87,426.00
10.	IT Project Manager I.....	\$ 55,004.56
11.	IT Project Manager II.....	\$ 72,354.88
12.	IT Quality Assurance and Control Analyst.....	\$ 55,004.56
13.	IT Telecommunications Analyst I.....	\$ 65,173.68
14.	IT Telecommunications Analyst II.....	\$ 80,773.68
15.	IT Telecommunications Technician II.....	\$ 66,842.88
16.	IT Training Analyst.....	\$ 57,200.00
17.	IT Training Coordinator.....	\$ 67,200.00
18.	Network Analyst II.....	\$ 81,773.68
19.	PC Technician.....	\$ 45,000.00
20.	Program Manager.....	\$ 75,769.20
21.	Supervisor Applications Development.....	\$ 78,810.44
22.	Supervisor of Systems and Technical Support.....	\$ 78,000.00
23.	Supervisor Quality Assurance.....	\$ 78,810.44
24.	Supervisor Software Support	\$ 78,810.44
25.	Web Developer.....	\$ 75,769.20
26.	Web Master.....	\$ 90,923.04

Section 42. Part-Time/Seasonal Group

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Box Office Cashier.....	\$ 10.33	\$ 15.49
2. Chaplain.....	\$ 10.00	\$ 11.48
3. Checker.....	\$ 10.00	\$ 10.00
4. Conservation Aide.....	\$ 10.00	\$ 10.00
5. Dentist.....	\$ 13.38	\$ 28.58
6. Head Usher.....	\$ 10.00	\$ 11.35
7. Law Clerk.....	\$ 10.00	\$ 12.48
8. Medical Examiner.....	\$ 21.40	\$ 58.61
9. Organ Tuner.....	\$ 10.00	\$ 25.07
10. Park Maintenance Aide.....	\$ 10.00	\$ 10.00
11. Ranger.....	\$ 10.00	\$ 11.20
12. School Crossing Guard (Per Day).....	\$ 20.50	\$ 26.00
13. Section Supervisor.....	\$ 10.00	\$ 10.00
14. Snow Removal Vehicle Operator.....	\$ 10.40	\$ 15.04
15. Stage Hand.....	\$ 19.11	\$ 27.34
16. Stage Hand Casual.....	\$ 20.60	\$ 27.00
17. Stage Hand - Show Rate (Per Show).....	\$ 64.89	\$ 88.75
18. Student Aide.....	\$ 10.00	\$ 10.00
19. Student Assistant.....	\$ 10.00	\$ 10.00
20. Usher.....	\$ 10.00	\$ 10.00
21. Usher Captain.....	\$ 10.00	\$ 10.00

Section 46. Municipal Court Employees

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Associate Director.....	\$37,783.00	\$ 73,287.14
2. Bailiff.....	\$36,085.00	\$ 65,779.39
3. Chief Deputy Bailiff.....	\$37,569.00	\$ 75,272.41
4. Chief Magistrate.....	\$48,620.00	\$ 84,240.00
5. Chief Probation Officer.....	\$50,395.00	\$ 92,560.00
6. Clinical Director.....	\$37,783.00	\$ 79,040.00
7. Deputy Bailiff.....	\$21,424.00	\$ 51,247.40
8. Deputy Bailiff Administrative Assistant - Finance.....	\$39,173.00	\$ 62,655.52
9. Deputy Bailiff Administrative Assistant - Operations.....	\$39,173.00	\$ 62,655.52
10. Deputy Bailiff Assistant Director of Data Processing.....	\$22,223.00	\$ 60,320.00
11. Deputy Bailiff Assistant Jury Commissioner.....	\$21,907.00	\$ 53,759.65
12. Deputy Bailiff Central Scheduling Director.....	\$41,755.17	\$ 75,300.26
13. Deputy Bailiff Chief Court Reporter.....	\$41,755.00	\$ 70,816.12
14. Deputy Bailiff Clerk Typist.....	\$20,800.00	\$ 41,420.08
15. Deputy Bailiff - Court Administrator.....	\$62,624.00	\$ 91,354.07
16. Deputy Bailiff - Court Reporter.....	\$22,914.00	\$ 54,828.04
17. Deputy Bailiff Data Processor.....	\$21,100.00	\$ 55,120.00
18. Deputy Bailiff Deputy Court Administrator.....	\$45,486.00	\$ 78,526.24
19. Deputy Bailiff/Deputy Court Administrator Chief Information Officer.....	\$45,486.00	\$ 91,354.07
20. Deputy Bailiff Deputy Chief Court Reporter.....	\$22,923.00	\$ 56,457.93
21. Deputy Bailiff Director of Data Processing.....	\$58,349.00	\$ 95,680.00
22. Deputy Bailiff Finance Officer.....	\$39,173.00	\$ 62,655.52
23. Deputy Bailiff General.....	\$21,424.00	\$ 54,589.63
24. Deputy Bailiff Jury Commissioner.....	\$37,783.00	\$ 64,450.30
25. Deputy Bailiff Law Clerk.....	\$21,250.00	\$ 47,920.78
26. Deputy Chief Magistrate.....	\$40,752.00	\$ 75,920.00
27. Deputy Bailiff - Office Manager.....	\$39,827.00	\$ 74,961.59
28. Deputy Bailiff Private Secretary.....	\$20,800.00	\$ 38,480.00
29. Deputy Bailiff Public Information Officer.....	\$38,417.60	\$ 47,840.00
30. Deputy Bailiff Scheduler I.....	\$22,284.00	\$ 48,171.45
31. Deputy Bailiff Session Room Supervisor.....	\$22,284.00	\$ 53,774.13
32. Deputy Bailiff - Special Projects Officer.....	\$30,000.00	\$ 63,502.22
33. Deputy Bailiff Supervisor.....	\$41,368.00	\$ 65,779.39
34. Deputy Bailiff Systems Analyst.....	\$35,000.00	\$ 61,274.08
35. Deputy Bailiff Training Officer.....	\$31,000.00	\$ 63,502.22
36. Deputy Chief Probation Officer.....	\$42,318.00	\$ 72,559.64
37. Immobilization Officer.....	\$ 15.60	\$ 26.57
38. Magistrate.....	\$40,752.00	\$ 71,897.88
39. Municipal Court Psychologist.....	\$ 47.74	\$ 100.27
40. Personal Bailiff.....	\$43,285.00	\$ 65,520.00
41. Probation Officer General.....	\$28,585.00	\$ 57,200.00

42.	Probation Officer Supervisor.....	\$48,616.00	\$ 73,096.61
43.	Psychiatric Case Worker.....	\$21,681.00	\$ 57,200.00
44.	Psychiatric Social Worker.....	\$21,907.00	\$ 57,200.00
45.	Psychologist II.....	\$ 60.00	\$ 93.58
46.	Small Claims Magistrate.....	\$20,800.00	\$ 54,060.45
47.	Student Aide.....	\$ 10.00	\$ 10.00
48.	Traffic Court Magistrate.....	\$40,752.00	\$ 74,880.00
49.	Chief Housing Court Specialist.....	\$52,158.83	\$ 81,283.96
50.	Housing Court Administrative Assistant.....	\$23,063.94	\$ 48,171.45
51.	Housing Court Administrator.....	\$64,815.84	\$ 91,354.07
52.	Housing Court ADR Specialist.....	\$31,050.00	\$ 63,520.00
53.	Housing Court Chief Bailiff.....	\$38,883.92	\$ 75,272.41
54.	Housing Court Chief Magistrate.....	\$50,321.70	\$ 86,665.96
55.	Housing Court Coordinator.....	\$23,063.94	\$ 48,171.45
56.	Housing Court Court Reporter.....	\$23,715.99	\$ 54,828.04
57.	Housing Court Deputy Bailiff.....	\$22,173.84	\$ 51,247.40
58.	Housing Court Deputy Bailiff - Uniformed.....	\$22,173.84	\$ 51,247.40
59.	Housing Court Deputy Bailiff Supervisor.....	\$42,815.88	\$ 65,779.39
60.	Housing Court Deputy Bailiff/Finance Officer.....	\$38,544.06	\$ 62,655.52
61.	Housing Court Deputy Bailiff/Judicial Clerk.....	\$21,993.75	\$ 47,920.78
62.	Housing Court Deputy Bailiff/Staff Attorney.....	\$29,585.48	\$ 55,040.40
63.	Housing Court Magistrate.....	\$42,178.32	\$ 79,189.76
64.	Housing Court Magistrates' Personal Bailiff.....	\$23,063.94	\$ 48,171.45
65.	Housing Court Personal Bailiff.....	\$44,799.98	\$ 66,769.09
66.	Housing Court Project Coordinator.....	\$31,050.00	\$ 63,502.22
67.	Housing Court Receptionist.....	\$20,800.00	\$ 31,983.31
68.	Housing Court Scheduler.....	\$23,063.94	\$ 48,171.45
69.	Housing Court Secretary.....	\$20,815.92	\$ 34,046.11
70.	Housing Court Specialist.....	\$29,585.48	\$ 55,246.40
71.	Housing Court Specialist - Mediation Coordinator.....	\$29,585.48	\$ 55,406.40
72.	Housing Court Student Aide.....	\$ 10.00	\$ 10.00

Section 52. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum
1. Battalion Chief.....	\$72,039.84	\$ 75,441.43
2. Captain.....	\$62,034.36	\$ 65,035.73
3. Lieutenant.....	\$53,408.93	\$ 56,065.29
4. Firefighter - Journeyman.....	\$45,973.21	\$ 48,332.14
5. Apprentice - Medic III.....	\$41,881.79	\$ 43,557.06
6. Apprentice - Medic II.....	\$41,381.79	\$ 43,557.06
7. Apprentice - Medic I.....	\$40,381.79	\$ 41,997.06
8. Trainee.....	\$ 10.00	\$ 10.00

Section 2. That existing following Sections of Ordinance No. 384-03, passed March 10, 2003:

Section 4, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ordinance No. 1814-04, passed October 4, 2004,

Section 5, as amended by Ordinance No. 605-03, passed June 10, 2003,

Section 7, as amended by Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 287-05, passed March 21, 2005,

Section 8, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 774-05, passed April 25, 2005,

Sections 9, 10, and 12, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 15,

Sections 18 and 22, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 27, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 28, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1505-04, passed August 11, 2004, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 774-05, passed April 25, 2005,

Section 29, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 30, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 585-05, passed April 25, 2005,

Section 32, as amended by Ordinance No. 605-03, passed June 10, 2003,

Section 40, as amended by Ordinance No. 605-03, passed June 10, 2003, Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 774-05, passed April 25, 2005,

Section 42, as amended by Ordinance No. 1801-03, passed October 13, 2003, Ordinance No. 2096-03, passed October 27, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 46, as amended by Ordinance No. 605-03, passed June 10, 2003, and Ordinance No. 1814-04, passed October 4, 2004,

Section 52, as amended by Ordinance No. 1814-04, passed October 4, 2004, are repealed.

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

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

Ord. No. 1663-05.
By Council Members Cimperman, Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Cleveland State University to accept police services by CSU within such areas as may be agreed to within the City.

Whereas, division (A) of Section 3345.041 of the Revised Code authorizes a state university or college to enter into agreements with municipal corporations to permit a state university or college any police power for the purpose of preserving the peace and enforcing all laws of the state and ordinances and regu-

lations of the municipal corporation within areas that may be agreed to by the state university or college and the municipal corporation; 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 Public Safety is authorized to enter into an agreement with Cleveland State University ("CSU") to permit CSU police officers to exercise the authority under division (A) of Section 3345.041 of the Revised Code within the areas that may be agreed to by the City and CSU.

Section 2. That the agreement may contain a provision that it may be amended from time to time as the Director of Public Safety and CSU deem necessary.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 1657-05.

By Council Member Zone.

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

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

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

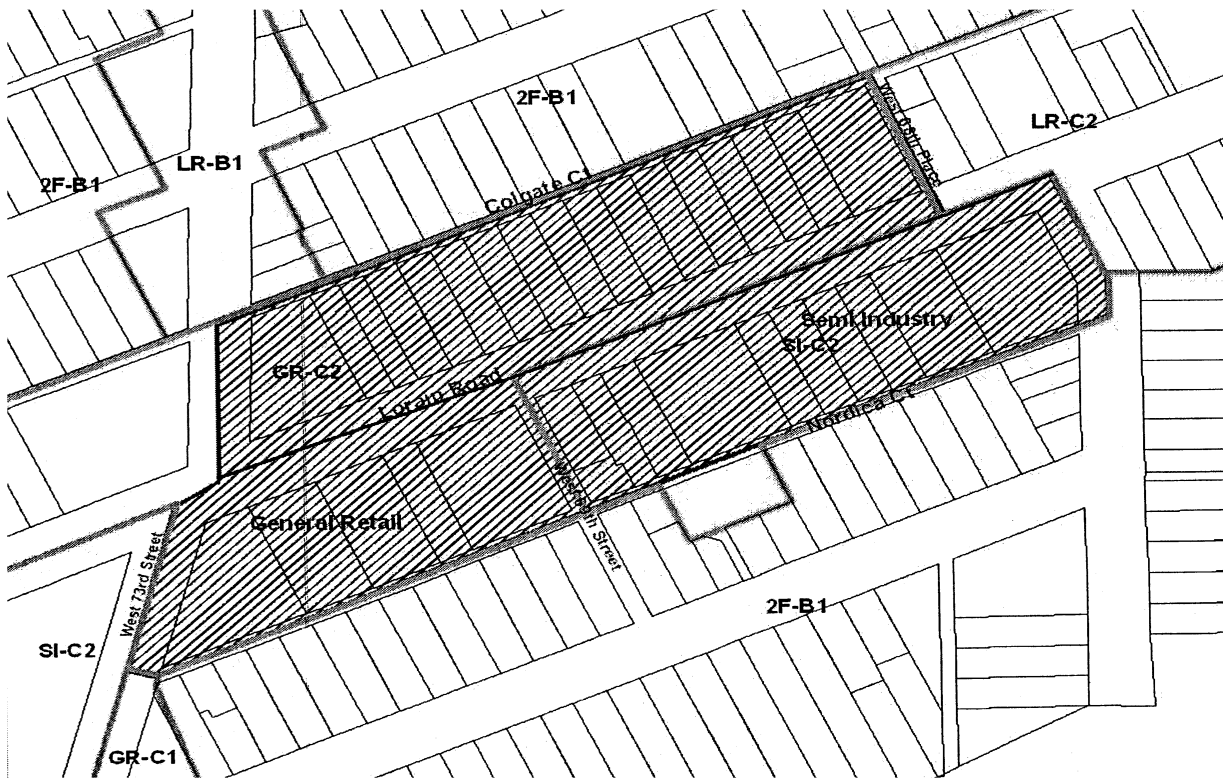
Beginning in the centerline of Lorain Road and its intersection with the centerline of West 67th Street; Thence Southeasterly along said centerline of West 67th Street to its intersection with the centerline of Nordica Court; Thence Southwesterly along said centerline of Nordica Court to its intersection with the centerline of West 73rd Street; Thence Northerly along said centerline of West 73rd Street to its intersection with the centerline of Lorain Avenue; Thence Northeasterly along said centerline of Lorain Avenue to its intersection with the centerline of West 73rd Street;

Thence Northerly along said centerline of West 73rd Street to its intersection with the centerline of Colgate Court; Thence Northeasterly along said centerline of Colgate Court to its intersection with the centerline of West 68th Place; Thence Southeasterly along said centerline of West 68th Place to its intersection with the centerline of Lorain Road; Thence Northeasterly along said centerline of Lorain Road to the place of beginning;

and as shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2160, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**FIRST READING EMERGENCY
RESOLUTIONS REFERRED**

Res. No. 1658-05.

By Council Member Jackson (by departmental request).

An emergency resolution requesting the County Auditor to make advances during the year 2006 under Section 321.34 of the Revised Code.

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 under Section 321.34 of the Revised Code, the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2006 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2006 fiscal year, during which year such request will be made. The payments are to be made from time to time in accordance with the schedule set by Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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.

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

Res. No. 1659-05.

By Council Members Cimperman and Jackson (by request).

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

Whereas, this Council is satisfied that there is good cause to vacate a portion of Webster Court N.E., 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 all that portion of Webster Court N.E. (12 feet wide) extending Easterly from the Easterly line of East 37th Street (60 feet wide) to the Northerly prolongation of the Westerly line of East 38th Place (12 feet wide).

Description approved by Greg Esber, Section Chief, 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.

Res. No. 1660-05.

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

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

Whereas, this Council is satisfied that there is good cause to vacate a portion of Stimson Court 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 all that portion of Stimson Court S.W. (15 feet wide) extending from a line approximately 190 feet from the East line of West 33rd Street (30 feet wide) as Dedicated in Volume 17 of Maps, Page 27 of Cuyahoga County Records, said line being the Southwesterly prolongation of the East line of a parcel of land conveyed to William Wischmeier, Jr. and Deborah A. Wischmeier by deed recorded as Auditors File Number 200001040803 Easterly to its Easterly terminus.

Description approved by Greg Esber, Section Chief, 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.

Res. No. 1678-05.

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

An emergency resolution supporting the County of Cuyahoga's Clean Ohio Revitalization grant application to the Ohio Department of Development; and supporting the loan application of Acme Realty LLC, to the Cuyahoga County Brownfield Development Fund; for the redevelopment of the National Acme Building located at 170 East 131st Street.

Whereas, this resolution constitutes an emergency measure provid-

ing 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 supports the County of Cuyahoga's Clean Ohio Revitalization grant application to the Ohio Department of Development for the redevelopment of the National Acme Building located at 170 East 131st Street.

Section 2. That this Council supports the loan application of Acme Realty LLC to the Cuyahoga County Brownfield Development Fund for the redevelopment of the National Acme Building located at 170 East 131st Street.

Section 3. That the Clerk of Council is directed to send copies of this resolution to the Ohio Department of Development and the Board of Cuyahoga County Commissioners.

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.

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

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

Ord. No. 1661-05.

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

An emergency ordinance to appropriate property for the public purpose of highway and bridge improvement in connection with City bridge No. 4:017M located on East 105th Street near Quincy Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1502-05, adopted August 3, 2005, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of highway and bridge improvement in connection with City bridge No. 4:017M located on East 105th Street near Quincy Avenue; 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 highway and bridge improvement in connection with City bridge No. 4:017M located on East 105th Street near Quincy Avenue, the following described fee simple interests are appropriated:

**LEGAL DESCRIPTION
OF PARCEL 4T**

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio and known as being part of Original 100-Acre Lot No. 410 and being particularly described as follows:

Commencing at a point on the easterly line of East 105th Street at Station 2+47.89, 25.00' Right as shown on Sheet 71 of 73 of the plans to reconstruct the East 105th Street Bridge just north of Quincy Avenue and the place of beginning;

Course 1: Thence continuing North 00° 00' 44" West along the easterly line of East 105th Street a distance of 18.40 feet to a point;

Course 2: Thence North 90° 00' 00" East a distance of 27.02 feet to a point;

Course 3: Thence South 55° 44' 25" West a distance of 32.69 feet to a point on the easterly line of East 105th Street and the place of beginning and containing 0.006 acres of land more or less, according to said Sheet, but subject to all legal highways.

This parcel is part of PPN 121-22-028 owned by DeJohn, Inc., an Ohio Corporation which claims title by deed recorded under AFN No. 200504060693.

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.

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

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

Ord. No. 1662-05.

By Council Member Cimperman (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1162-05, passed July 13, 2005, relating to changing the zoning of parcels bounded by W. 9th Street, Front Avenue, W. 10th Street, the Cuyahoga river and the CSX Railroad from a General Industry Use District to a Downtown Residential District. (Map Change No. 2151; Sheet No. 1)

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. 1162-05, passed July 13, 2005 is amended to read as follows:

Section 3. That, except for purposes of compliance with division (e) of Section 337.081 the off-street parking requirements applicable in the Central Business District shall apply to the subject site.

Section 2. That existing Section 3 of Ordinance No. 1162-05, passed July 13, 2005 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.

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

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

Ord. No. 1664-05.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept funding from the Cuyahoga County Redevelopment Fund in the form of a loan and a grant to partially finance the demolition and environmental remediation of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site, located at 5163 Broadway Avenue; authorizing the Director to employ one or more professional consultants to perform asbestos removal and other environmental services on the buildings to ready them for demolition; and authorizing the purchase by one or more contracts of the demolition of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site, for the Department of Community Development.

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 apply for and accept a grant in the amount of \$447,500, from the Cuyahoga County Brownfield Redevelopment Fund, to provide financial assistance to partially finance the demolition and environmental remediation of the Nurses Building and the Main Hospital Building on the St. Michael's site, located at 5163 Broadway Avenue; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the Director of Community Development is authorized to apply to the Cuyahoga County Brownfield Redevelopment Fund for loan assistance in an amount not to exceed \$302,500, to partially finance the project described in the file.

Section 3. That the summary for the grant and loan, File No. 1664-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 4. That the Director of Community Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform asbestos removal and other environmental services on the buildings to ready them for demolition.

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

Section 5. That the Director of Community Development is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: the demolition of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development.

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

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

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

Ord. No. 1670-05.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into an amendment to City Contract No. 62298 with Iron Mountain Records Management and to enter into an amendment to City Contract No. 62354 with Iron Mountain National Underground Storage to extend the term of such professional records and information management contracts to September 30, 2006.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into an amendment to City Contract No. 62298 with Iron Mountain Records Management and to enter into an amendment to City Contract No. 62354 with Iron Mountain National Underground Storage to extend the term of such professional records and information management contracts to September 30, 2006.

Section 2. That the total costs of these two contract amendments shall not exceed \$140,000.00 and shall be paid from Fund No. 01 SF 001. The First Amendment to City Contract No. 62298 shall be initially certified for \$1,050.00, and the First Amendment to City Contract No. 62354 shall be initially certified for \$12,300.00 to cover contractual commitments through calendar year 2005.

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

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

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

Ord. No. 1671-05.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into an amendment or amendments to City Contract No. 60428 with West Services, Inc. to provide the professional services necessary to update, print, index and bind a cumulative supplement or supplements to the Codified Ordinances, including alternative formats and internet accessibility, and to provide a review, comparison and update of Parts IV and VI of the Codified Ordinances to conform with amendments made to the Ohio Revised Code.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into an amendment or amendments to City Contract No. 60428 with West Services, Inc. to provide professional services necessary to update, print, index and bind a cumulative supplement or supplements to the Codified Ordinances, including alternative formats and internet accessibility, and to provide a review, comparison and update of Parts IV and VI of the Codified Ordinances to conform to amendments made to the Ohio Revised Code. Such amendment shall commence upon execution of the amendment and be for a period of one year with three options, exercisable by the Clerk of Council, to

renew all or any portion of these services for additional one-year periods, and cancelable upon thirty days written notice by said Clerk of Council.

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

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

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

Ord. No. 1672-05.

By Council Member Lewis.

An emergency ordinance to amend Section 2 of Ordinance No. 653-05, passed May 9, 2005, relating to the Demolition and Board-Up programs.

Whereas, Ordinance No. 653-05, passed May 9, 2005, authorized the Director of Building and Housing to enter into contracts with various non-profit and for-profit agencies to implement the Demolition and Board-up Programs; and

Whereas, Section 2 of Ordinance No. 653-05, passed May 9, 2005, prohibited any contract authorized by Ordinance No. 653-05 from including the demolition of Madonna Hall located at East 72nd and Chester; and

Whereas, this Council wishes to remove the Madonna Hall prohibition; 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 2 of Ordinance No. 653-05, passed May 9, 2005, is hereby amended to read as follows:

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies, and entities providing services necessary to implement the Demolition and Board-up Programs.

Section 2. That existing Section 2 of Ordinance No. 653-05, passed May 9, 2005, is hereby repealed.

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

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

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

Ord. No. 1673-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the America's Walk for Diabetes, on October 1, 2005, sponsored by the American Diabetes Association.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the America's Walk for Diabetes, sponsored by the American Diabetes Association on October 1, 2005, with the Walk beginning at Tower City Amphitheater to Canal Road, left on Canal Road to Robert Lockwood Jr. Street, right on Robert Lockwood Jr. Street to St. Clair, right on St. Clair to Ontario, right on Ontario (rest stop #1 Cleveland Marriot-downtown St. Clair); to Huron, left on Huron to East 9th, left on East 9th to Superior, left on Superior (rest stop #2 at Hyatt Regency, Superior Avenue) to West 9th, right on West 9th to St. Clair, left on St. Clair to West 10th, left on West 10th to Canal Road, left on Canal Road (no road sign by City Sign Garden Sign) to Tower City Amphitheater; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1674-05.

By Council Member Johnson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Coral Company to stretch banners in Shaker Square on the east and west corner of Shaker Blvd., for the period from September 12, 2005 to October 1, 2005, inclusive, publicizing the celebration of Shaker Square.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to The Coral Company to install, maintain and remove banners in Shaker Square, for the period from September 12, 2005 to October 1, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1675-05.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Spanish American Committee to stretch a banner at West 65 & Lorain Avenue, for the period from September 9, 2005 to September 30, inclusive, publicizing the End of Summer Latino Unity Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Spanish American Committee to install, maintain and remove a banner at West 65th & Lorain for the period from September 9, 2005 to September 30, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any

pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1679-05.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with Cleveland Public Art, Inc. for the West 28th Street Bridge Mural Project through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with Cleveland Public Art, Inc. for the West 28th Street Bridge Mural Project for the public purpose of making public infrastructure improvements in the city of Cleveland through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,130 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1680-05.

By Council Member Jackson.

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

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the Blue Seas Restaurant for the Blue Seas Restaurant Development Project for the public purpose of retaining and creating new jobs in the city of Cleveland through the use of Ward 5 Neighborhood Equity Funds.

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

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

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

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

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

Ord. No. 1696-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various for-profit and non-profit agencies to provide financial assistance to Hurricane Katrina evacuees; and authorizing the Director of Community Development to apply for and accept funds from the United States of America and the State of Ohio to reimburse Cleveland for costs incurred as a result of relocating Hurricane Katrina evacuees to the City of Cleveland beginning September 1, 2005.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various for-profit and non-profit agencies to provide financial assistance to Hurricane Katrina evacuees.

Section 2. That the aggregate cost of the contract or contracts shall not exceed \$450,000 and shall be paid from Fund Nos. 14 SF 030, 14 SF 031 and 13 SF 895, Request No. 149516.

Section 3. That the Director of Community Development is authorized to apply for and accept funds from the United States of America, acting through the Federal Emergency Management Agency, and the State of Ohio, acting through the Ohio Emergency Management Agency, to reimburse Cleveland for costs incurred by the various depart-

ments in City government as a result of the severe weather and storm damages in our area beginning September 1, 2005. The Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance, and the funds are appropriated for the purpose of reimbursing the various City departments for costs incurred as a result of assisting Hurricane Katrina evacuees relocate within the City of Cleveland.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1665-05.

By Council Members Dolan, Zone, Sweeney, Kelley, Lipovan Holan, Pierce Scott, Lewis, Reed, Brady, Conwell, Westbrook, Coats and Johnson.

An emergency resolution supporting and endorsing State Issue 1 and urging the citizens of the City of Cleveland to vote YES on State Issue 1 on November 8, 2005.

Whereas, State Issue 1 will create and preserve jobs, enhance education opportunities, and improve the quality of life and general well-being of people and businesses in all areas of Ohio by improving local government public infrastructure, expanding Ohio's research capabilities to promote produced innovation, development and commercialization, and prepare economic development sites and facilities in Ohio; and

Whereas, State Issue 1 will authorize the State of Ohio to issue up to \$1.35 billion in bonds to pay for or help local governments pay for the cost of public infrastructure capital improvements of local governments, including roads and bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection, storage and treatment facilities; and

Whereas, State Issue 1 will authorize the State of Ohio to issue up to \$500 million in bonds to provide financial assistance for research and development in support of Ohio industry, commerce, and business, including research and product innovation, development, and commercialization; and

Whereas, State Issue 1 will authorize the State of Ohio to issue up to \$150 million in bonds to pay costs, or assist in the payment of costs of projects for the purpose of developing sites and facilities in Ohio for and ins support of industry, commerce, distribution, and research and development, including constructing and improving facilities, site preparation and cleanup, the acquisition of real estate, and providing public infrastructure improvements; and

Whereas, State Issue 1 will foster job creation through infrastructure projects, job ready sites and creating new products and services based on science and technology research and development ensuring Ohio's ability to create and compete for jobs, now and in the future; and

Whereas, passage of State Issue 1 will improve the quality of life for all Ohioans; 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 supports and endorses State Issue 1 and urges the citizens of the City of Cleveland to vote YES on State Issue 1 on November 8, 2005.

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

Res. No. 1666-05.

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

An emergency resolution designating the block of East 83rd Street, East 86th Street, Euclid Avenue, Carnegie Avenue as "Play House Plaza".

Whereas, the Cleveland Play House will be celebrating their 90th anniversary during their 2005-2006 season; and

Whereas, in order to commemorate their anniversary, the Cleveland Play House would like to designate the block of East 83rd Street, East 86th Street, Euclid Avenue, and Carnegie Avenue as "Play House Plaza"; 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 block of East 83rd Street, East 86th Street, Euclid Avenue, Carnegie Avenue is designated as "Play House Plaza" further described as follows: Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being an area bounded on the north by Euclid Avenue (80 feet wide), on the south by Carnegie Avenue S. E. (80 feet wide), on the east by East 86th Street (50 feet wide) and on the west by East 83rd Street (60 feet wide).

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.

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

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

Res. No. 1667-05.

By Council Member Cimperman. An emergency resolution authorizing the Cleveland Theater District Development Corporation to amend its articles of incorporation to continue to exist as a Corporation under Revised Code Chapter 1702 and to delete all references to Revised Code Chapter 710.

Whereas, under Resolution No. 483-95, adopted June 5, 1995, as amended by Resolution No. 1746-97, adopted December 15, 1997, this Council authorized the formation of the Cleveland Theater District Special Improvement District; and

Whereas, under the above resolution, as amended, the Cleveland Theater District Development Corporation was organized as a Corporation under Revised Code Chapter 1710; and

Whereas, on July 29, 2005, this Council accepted petitions signed by the owners of at least 20% of the front footage located within the Cleveland Theater District Business Improvement District; and

Whereas, the Cleveland Theater District Special Improvement District was dissolved by a majority vote of its members on August 8, 2005; and

Whereas, the Cleveland Theater District will no longer exist as a Corporation under Revised Code Chapter 1710, but will continue to exist as a Corporation under Revised Code Chapter 1702; 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 Cleveland Theater District Development Corporation is authorized to amend its articles of incorporation to eliminate all references to its existence as a Corporation organized under Revised Code Chapter 1710 and to delete provisions requiring Cleveland City Council approval of future revisions.

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.

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

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

Res. No. 1668-05.

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

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

Whereas, this Council is satisfied that there is good cause to vacate a portion of Holmden Court 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 all that portion of Holmden Court S.W. (14 feet Wide) extending Easterly from the Southerly prolongation of the Easterly line of subplot 22 in the Nicola & Judson Allotment recorded in Volume 5 Page 7 of the Cuyahoga County Map Records, to its Easterly terminus.

Description approved by Greg Esber, Section Chief, 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.

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

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

Res. No. 1669-05.

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

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

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the elimination of spot blight; 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 for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at East 185th Street and Neff Road, through the acquisition and redevelopment and/or rehabilitation, it is necessary to appropriate in fee simple the blighted premises, and the Council declares its intent to appropriate the fee simple interest in and to the following described blighted premises: Permanent Parcel Nos. 114-19-009, 114-19-010, 114-19-011, 114-19-017, 114-19-018, 114-19-019, 114-19-020, 114-19-021, 114-19-022, 114-19-023, 114-19-024, 114-19-025, 114-19-075, 114-19-076, 114-19-077, 114-19-078, 114-20-091, 114-20-092, and 114-23-017.

Section 2. That the Director of Finance is authorized and directed to cause written notice of the adoption of this resolution to be given to the owners and persons in possession or having an interest of record

in the above-described blighted premises. The notice shall be served according to law by a person designated for that purpose by the Director of Finance and 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.

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

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

Res. No. 1676-05.

By Council Members Jackson, Brady, Polensek, Britt, White, Westbrook, Sweeney, Reed, Coats, Conwell, Lewis, Pierce Scott and Zone.

An emergency resolution supporting Ohio Senate Bill 13 which would help rescue Ohio jobs by prohibiting tax money to go toward outsourcing of Ohio jobs to foreign countries.

Whereas, the federal government and large U.S. corporations are outsourcing good, high-paying manufacturing and other jobs to foreign countries; and

Whereas, states such as Ohio are losing these jobs to foreign countries without anything in return; and

Whereas, stopping the hemorrhaging of Ohio jobs is critical to Ohio's economic and social vitality; and

Whereas, the Ohio Senate has introduced S.B. 13 which would require state contracts to specify that labor or services are to be performed within the U.S., that any supplies provided under a state contract will be from a U.S. location, and would prohibit awarding state contracts or giving state financial assistance, including tax incentives, loans or grants, for 5 years to employers that have a net loss of jobs due to the relocation of jobs from Ohio to locations outside the U.S.; and

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

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

Section 1. That this Council hereby supports Ohio Senate Bill 13 which would help rescue Ohio jobs by prohibiting tax money to go toward outsourcing of Ohio jobs to foreign countries.

Section 2. That the Clerk is hereby directed to send copies of this resolution to Ohio Senators Fedor, Brady, Dann, Fingerhut, Hagan, Miller, Mallory, Prentiss, Roberts, Wilson, and Zurz, to all State Representatives from Cuyahoga County and to Carla Henthorn, Ohio Associate Member Coordinator of the United Steelworkers union.

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

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

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

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

Res. No. 1677-05.

By Council Members Conwell, Sweeney, Westbrook, Britt, Polensek, Brady, Pierce Scott, Coats, Lewis and Zone.

An emergency resolution encouraging the Ohio General Assembly to enact legislation that would establish excessive pricing of prescription drugs as a violation of State law, establish penalties for such excessive pricing, and provide a cause of action for an aggrieved party.

Whereas, prescription drugs are the fastest growing health care expenditure in the United States; and

Whereas, in 2002, U.S. spending on prescription drugs reached \$162 billion; this number is projected to reach \$369 billion by 2010; and

Whereas, paying for prescription drugs is extremely difficult for many people in the United States, including many Ohio citizens, especially those that are poor, chronically ill and elderly; and

Whereas, in 2001, nearly 1 in 4 seniors reported skipping doses or not filling prescriptions because of the cost; and

Whereas, in 2002, the average price of the top 50 drugs used by seniors was \$1,500 per year; a senior without supplementary insurance taking 6 different medications would spend \$9,000 per year out-of-pocket; and

Whereas, prices of the top 30 brand-name drugs increased by 22% over the past 3 years; in 2003 prescription costs increased four times the rate of inflation; and

Whereas, American drug companies spend more money on marketing and advertising than they do on research and development and invest enormous sums of money into "me too" drugs, which provide little to no innovation but are simply variations of existing drugs; and

Whereas, extraordinarily generous tax breaks have helped the pharmaceutical industry become the richest industry in the United States; and

Whereas, it is well known that the citizens of the United States pay the world's highest prescription drug prices and that most Americans struggle to pay skyrocketing prescription drug bills; and

Whereas, the District of Columbia has introduced a bill, and states such as Vermont and Maine have enacted bills, to prohibit excessive prescription drug pricing; 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 encourages the Ohio General Assembly to enact legislation that would establish excessive pricing of prescription drugs as a violation of State law, establish penalties for such excessive pricing, and provide a cause of action for an aggrieved party.

Section 2. That the Clerk is hereby directed to transmit certified copies of this resolution Governor Bob Taft and to the members of the state legislature representing Cuyahoga County.

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

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

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

Res. No. 1682-05.

By Mayor Campbell.

An emergency resolution supporting State Issue 1 to amend the Ohio Constitution to authorize the issuance of general obligations of the state to finance local government public infrastructure capital improvements, research and development, and the development of certain sites and facilities in Ohio, and to expand state and local government authority regarding economic development.

Whereas, Issue 1 will create and preserve jobs, enhance education opportunities, and improve the quality of life and general well-being of people and businesses in all areas of Ohio by improving local government public infrastructure, expanding Ohio's research capabilities to promote product innovation, development and commercialization, and prepare economic development sites and facilities in Ohio, and

Whereas, Issue 1 will authorize the State of Ohio to issue up to \$1.35 billion in bonds to pay for or help local governments pay for the cost of public infrastructure capital improvements of local governments, including roads and bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection storage and treatment facilities; and

Whereas, Issue 1 will authorize the State of Ohio to issue up to \$500 million in bonds to provide financial assistance for research and development in support of Ohio industry, commerce, and business, including research and product innovation, development, and commercialization; and

Whereas, Issue 1 will authorize the State of Ohio to issue up to \$150 million in bonds to pay costs or assist other in the payment of costs of projects for the purpose of developing sites and facilities in Ohio for and in support of industry, commerce, distribution, and research and development, including constructing and improving facilities, site preparation and cleanup, the acquisition of real estate, and providing public infrastructure improvements; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the passage of Issue 1 will foster job creation through infrastructure projects, job ready sites and creating new products and services based on science

and technology research and development ensuring Ohio's ability to create and compete for jobs, now and in the future; now, therefore

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

Section 1. That the City considers the passage of State Issue 1 to be a priority which will improve the quality of life for all Ohioans.

Section 2. That the City of Cleveland supports and endorses the passage of State Issue 1.

Section 3. That the Clerk of Council is directed to transmit a copy of this resolution of the Ohio Jobs Committee, at Jobs for Ohio, 14 E. Gay Street, 4th Floor, Columbus, Ohio 43215 and to Cuyahoga County Engineer Robert Klaiber.

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.

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

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

Res. No. 1683-05.

By Council Members Pierce Scott, Sweeney, White, Conwell, Lewis, Brady, Britt, Polensek, Coats, Westbrook, Jackson, Johnson, Cintron, Lipovan Holan, Cimperman and Zone.

An emergency resolution in support of Issues 2, 3, 4 and 5 which would reform Ohio's election laws to restore faith, trust and confidence in Ohio's election system.

Whereas, on November 8, 2005, several issues will be on the ballot that, if passed, would reform Ohio's elections laws and restore faith and trust in Ohio's election system; and

Whereas, Issue 2 makes voting easier by allowing Ohioans to vote early by mail or in person at any time for any reason up to 35 days before any election; and

Whereas, Issue 3 helps stop the influence of big money in elections by restoring reasonable limits on campaign contributions; contributions will be limited to \$1,000 for legislative candidates and \$2,000 for statewide candidates; and

Whereas, Issue 4 takes the politics out of drawing legislative districts and puts an independent commission in charge of the process beginning in 2008; the commission will focus on what is best for constituents, not politicians; and

Whereas, Issue 5 places a bipartisan, nine-member board in charge of Ohio's elections instead of a partisan official that backs candidates and takes sides in elections; and

Whereas, the above issues are supported by the Reform Ohio Now campaign and will help restore faith, trust and confidence in the elections system in Ohio; and

Whereas, this resolution constitutes an emergency measure providing 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. this Council hereby supports Issues 2, 3, 4 and 5 which would reform Ohio's election laws to

restore faith, trust and confidence in Ohio's election system.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Reform Ohio Now, 3886 N. High Street, Columbus, Ohio 43214.

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

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

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

Res. No. 1684-05.

By Council Member Brancatelli.

An emergency resolution objecting to a New C1 Liquor Permit at 3869 East 71st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mostopha Mechanic, Inc., 3869 East 71st Street, Cleveland, Ohio 44105, Permanent Number 6193754; 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 Mostopha Mechanic, Inc., 3869 East 71st Street, Cleveland, Ohio 44105, Permanent Number 6193754; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1685-05.

By Council Member Brancatelli.
An emergency resolution objecting to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit to 5509 Fleet Avenue, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a D1, D2, D3 and D3A Liquor Permit at Good Time Tavern, Inc., DBA Good Time Tavern, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 3290405; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a D1, D2, D3 and D3A Liquor Permit at Good Time Tavern,

Inc., DBA Good Time Tavern, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 3290405, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1686-05.

By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 6029 Superior Avenue, and repealing Resolution No. 1326-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Shree Jai Mataji, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent No. 8112848, by Resolution No. 1326-05 adopted by the Council on July 13, 2005; 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 a C2 and C2X Liquor Permit to Shree Jai Mataji, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8112848, be and the same is hereby withdrawn and Resolution No. 1326-05, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1687-05.

By Council Member Cimperman.
An emergency resolution Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 625 East 140th Street, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Moes Stop One, Inc., 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 6081178 to Yellow Store LLC, DBA Sam's Food & Beverage, 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 9262365; 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 C2 and C2X Liquor Permit from Moes Stop One, Inc., 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 6081178 to Yellow Store LLC, DBA Sam's Food & Beverage, 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 9262365; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

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

Res. No. 1688-05.

By Council Member Coats.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 18029 Euclid Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to New Foundation Real Estate Investment Corp., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6368876; 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 D1, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to New Foundation Real Estate Investment Corp., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6368876; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to

transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

Res. No. 1689-05.

By Council Member Conwell.

An emergency resolution withdrawing objection to the transfer of stock of a C2, C2X and D6 Liquor Permit at 11313 Euclid Avenue and repealing Resolution No. 1574-04, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a C2, C2X and D6 Liquor Permit to Noahe, Inc., DBA Boarding House Deli & Carry Out, 11313 Euclid Avenue, Cleveland, Ohio 44106, Permanent No. 6416022, 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 a C2, C2X and D6 Liquor Permit to Noahe, Inc., DBA Boarding House Deli & Carry Out, 11313 Euclid Avenue, Cleveland, Ohio 44106, Permanent Number 6416022 be and the same is hereby withdrawn and Resolution No. 1574-04, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1690-05.

By Council Member Jackson.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Road, and repealing Resolution No. 565-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to

5351-53 Dolloff Road by Resolution No. 565-05 adopted by the Council on March 28, 2005; 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 ownership of a D1, D2, D3 and D3A Liquor Permit to Your Place or Mine LLC, DBA Your Place or Mine, 5351-53 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 9862110 be and the same is hereby withdrawn and Resolution No. 565-05, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1691-05.

By Council Member Kelley.

An emergency resolution withdrawing objection to the transfer of liquor license of a C2 and C2X Liquor Permit at 2180 Brookpark Road and repealing Resolution No. 1344-05, objecting to said transfer.

Whereas, this Council objected to the transfer of liquor license of a C2 and C2X Liquor Permit to Best RNA, Inc., DBA Value Dollar, 2180 Brookpark Road, Cleveland, Ohio 44134, Permanent No. 0669300, adopted by the Council on July 13, 2005; 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 a C2 and C2X Liquor Permit to Best RNA, Inc., DBA Value Dollar, 2180 Brookpark Road, Cleveland, Ohio 44134, Permanent Number 0669300 be and the same is hereby withdrawn and Resolution No. 1344-05, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1692-05.

By Council Member Zone.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5110 Clark Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from United Petroleum Marketing LLC, DBA UPM #207, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 91610350020 to Harbs Marathon LLC, DBA Harbs Marathon 04, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 35909520015; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from United Petroleum Marketing LLC, DBA UPM #207, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 91610350020 to Harbs Marathon LLC, DBA Harbs Marathon 04, 5110 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 35909520015; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

hearing be held in Cleveland, Cuyahoga County.

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

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

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

Res. No. 1693-05.

By Council Member Zone.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5404 Storer Avenue, 1st floor and basement front.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Hammad Hammad, DBA Economy, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 3554772 to 5404 Storer AM LLC, DBA Economy Market, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 2759350; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Hammad Hammad, DBA Economy, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number

3554772 to 5404 Storer AM LLC, DBA Economy Market, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent Number 2759350; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1694-05.

By Council Member Zone.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 7520 Dudley Avenue, 1st floor, and repealing Resolution No. 1360-05 objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Hanin, Inc., 7520 Dudley Avenue, 1st floor, Cleveland, Ohio 44102, Permanent No. 3572800, by Resolution No. 1360-05 adopted by the Council on July 13, 2005; 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 a C2 and C2X Liquor Permit to Hanin, Inc., 7520 Dudley Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 3572800 be and the same is hereby withdrawn and Resolution No. 1360-05, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1695-05.**By Council Member Zone.****An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 5601 Clark Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Faik Mohammad, DBA Cleveland Food Market, 5601 Clair Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 6082332 to 5601 Clark Ave., Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 2759413; 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 C2 and C2X Liquor Permit from Faik Mohammad, DBA Cleveland Food Market, 5601 Clair Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 6082332 to 5601 Clark Ave., Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 2759413; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 1495-05.**

By Council Member Jackson.

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1257-04, passed August 11, 2004 relating to a professional services contract for the installation and maintenance of fiber optic cable between the Third District Police Station and 205 St. Clair Avenue in order to achieve full redundancy and a closed loop in the City's INET; and authorizing the Director of Finance to enter into an amendment to Contract No. 63727 with American Fiber Systems, Inc.

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

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

Ord. No. 1526-05.

By Council Member Jackson.

An emergency ordinance authorizing defeasance of certain Cleveland Public Power System Improvement First Mortgage Revenue Bonds; amending Section 6 of Ordinance No. 1886-02, passed October 25, 2002 appropriating funds for the defeasance; and authorizing other related matters.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED**Res. No. 1387-05.**

By Council Member Cimperman.

An emergency resolution relating to the Downtown Cleveland Improvement District as a special improvement district within the City; declaring it necessary to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District; and providing for the assessment of the cost and expense of such work upon benefited property in the Downtown Cleveland Improvement District and declaring an emergency.

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

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

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet Monday, September 19, 2005 at 7:00 p.m. in the Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 7, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 7, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Absent: Director Fumich.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

Resolution No. 477-05.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of August, 2005 in the amount of \$41,400.84 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 478-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bruder Inc., for an estimated quantity of building materials and used paved bricks, group A, item nos. 1, 5, 6, 8, 9, 12, 14, 16 and group B, item nos. 1-9, 11-25, 28-34, 36-44, 47, 48, 50 and 52-57, for the various divi-

sions of City government, for the period of one year beginning with the date of execution of a contract, received on August 31, 2005, under the authority of Ordinance No. 545-05 passed April 11, 2005, which on the basis of the estimated quantity would amount to \$1,317,224.73 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161225 which shall be certified against the contract in the sum of \$65,861.24.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

Resolution No. 479-05.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Central Enterprises, Inc., for an estimated quantity of building materials and used paved bricks, group A, item nos. 2, 3, 4, 10, 11, 20 and 21, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on August 31, 2005, under the authority of Ordinance No. 545-05 passed April 11, 2005, which on the basis of the estimated quantity would amount to \$1,254,175.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161224 which shall be certified against the contract in the sum of \$62,708.75.

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

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
Granger Trucking	4.33% MBE \$54,365.62
Interstate Safety	1.44% FBE \$18,121.87

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

Resolution No. 480-05.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the bid of John Gavin dba Gavin Historical Bricks, for an estimated quantity of building materials and used paved bricks, group A, item nos. 18 and 19, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on August 31, 2005, under the authority of Ordinance No. 545-05, passed April 11, 2005, which on the basis of the estimated quantity would amount to \$110,000.00 (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161226 which shall be certified against such contract in the sum of \$5,500.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

Resolution No. 481-05.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that all bids received on August 31, 2005, for the purchase of an estimated quantity of building materials, group A, item no. 17, for the various divisions of City government, under to the authority of Ordinance No. 545-05, passed by the Council of the City of Cleveland on April 11, 2005 are rejected.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

Resolution No. 482-05.

By Director Mok.
Resolved, by the Board of Control of the City of Cleveland that the bid of Hi-Lite Markings, Inc., for labor and materials necessary for painting and paint removal of roadways, runways, and other paved areas, for the various divisions of the Department of Port Control, for the period of two years, beginning with the date of execution of a contract, received on the 8th of July, 2005, under the authority of Ordinance No. 273-05, passed on May 2, 2005, which on the basis of the estimated quantity would amount to \$2,189,900.00, is affirmed and approved as the lowest and best bid and the Director of Port Control is requested to enter into a requirement contract for the goods and/or services necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 156781 which shall be certified against the contract in the sum of \$200,000.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

Resolution No. 483-05.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 1156-03 passed by Cleveland City Council on July 22, 2005, Government Capital Management, LLC is selected, upon the nomination of Director of Port Control, as the firm to be employed by contract for the purpose of providing for administration of the variable rate debt and related interest rate swap transactions as these services relate to the financial interests of the City.

Be it further resolved that the Director of Port Control is authorized to enter into a contract with Government Capital Management, LLC based upon its proposal dated July 1, 2005, for administration of the variable rate debt and related interest rate swap transactions as these services relate to the financial interests of the City. The compensation to be paid to Government Capital Management, LLC shall not exceed \$30,000.00.

Be it further resolved that the contract authorized 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 Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

Resolution No. 484-05.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 618-04, passed by the Council of the City of Cleveland on December 13, 2004, the firm of TMA Systems, LLC, ("Consultant"), is hereby selected upon the nomination of the Director of Port Control as the firm available to be employed by contract to upgrade existing engineering operations, maintenance, and pavement inventory systems software 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 TMA Systems, LLC, based upon its proposal dated July 21, 2005 provided that the compensation to TMA Systems, LLC, for the services authorized shall not exceed Forty-Four Thousand One Hundred Twenty-Four and 00/100 Dollars (\$44,124.00). 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 Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 485-05.

By Director Mok.

Whereas, by the Board of Control of the City of Cleveland that, under the authority of Ordinances Nos. 2380-02 and 486-04, passed by the Council of the City of Cleveland on December 16, 2002 and April 26, 2004, respectively, and Board of Control Resolution No. 386-04, adopted by the Board of Control of the City of Cleveland on June 16, 2004, the firm of La Costa Consulting Group, Inc. ("Consultant") entered into contract No. 63189 with the City of Cleveland to supplement the regularly employed staff of the several departments of the City to provide professional services for air services planning and marketing;

Whereas, the Director of Port Control has determined that additional services are necessary to complete the web-based customer service project started by La Costa Consulting Group; and

Whereas, the Consultant has proposed by its letter dated August 5, 2005 to complete the additional work necessary for an amount of \$136,200.00; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to the agreement between the City of Cleveland and La Costa Consulting Group, Contract No. 63189 provided that the compensation to La Costa Consulting Group, Inc. for the additional services authorized shall not exceed \$136,200.00.

Be it further resolved that the 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 Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 486-05.

By Director Mok.

Whereas, under the authority of Ordinances No. 930-95, 469-98 and No. 327-2000, passed by the Council of the City of Cleveland on June 19, 1995, May 18, 1998 and June 12, 2000, respectively, and Board of Control Resolution No. 207-01, adopted March 29, 2001, the City, through the Director of Port Control, entered into Contract No. 58107 with C & S Engineers of Ohio, Inc. (Consultant), to provide design and construction management necessary to complete the Phase II Sound Insulation Program for the Department of Port Control; and

Whereas, the Department has determined to complete the Phase II, Stage IV of the sound insulation for homes in the 65 DNL buffer zone; and

Whereas, the Consultant has proposed by its letter dated July 27,

2005 to complete the additional work necessary for an amount of \$3,429,557.00; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to the agreement between the City of Cleveland and C & S Engineers of Ohio, Inc., Contract No. 58107. The amount to be paid for these additional services shall not exceed \$3,429,557.00.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following sub-consultants by C & S Engineers of Ohio, Inc. is approved:

Sub-contractor	MBE/FBE % Amount
DAR Public Relations	FBE 5.94 % \$204,000.00
Wester Communications Group	FBE 0 % \$ 0.00
Van Aukin Akin Architects	FBE 0 % \$ 0.00
Ralph Tyler Companies	MBE 9.79 % \$336,000.00
Roberts Consultants	MBE 6.29 % \$216,000.00
Steve McQuillin	None 2.62 % \$ 90,000.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 487-05.

By Director Mok.

Whereas, under the authority of Ordinance No. 470-2000, passed by the Council of the City of Cleveland on August 7, 2000, and Board of Control Resolution No. 125-01, adopted March 7, 2001 as amended by Board of Control Resolution No. 826-02, adopted December 16, 2002, the City, through the Director of Port Control, entered into Contract No. 58018 with Holmes & Narver, Inc. (Consultant), to provide architectural design and engineering for installation, design and integration of the fiber optic communications system at Cleveland Hopkins International Airport, and consenting to the merger of Holmes & Narver, Inc. with DMJMH, Inc., and the assignment of Contract No. 58018 to DMJMH+N, Inc.; and

Whereas, the City has determined it necessary to modify Contract No. 58018 further to increase the scope of work to include fiber optic communications components allowing the Department of Port Control technology to interact with local, state and federal agencies as part of the Security Command Center at Cleveland Hopkins International Airport; and

Whereas, Consultant has proposed by its letter dated July 20, 2004, to complete the additional work to the specifications of these needs for the additional amount of \$16,576.26; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinances Nos. 470-2000 and 990-04, passed by the Council of the City of Cleveland on August 7, 2000 and

June 7, 2004, respectively, that the Director of Port Control is authorized to enter into an amendment to Contract No. 58018 with DMJMH+N, Inc. for fiber optic communications improvements for the Security Command Center based upon its proposal dated July 20, 2004, provided that the compensation to DMJMH+N for the additional services authorized shall not exceed \$16,576.26, increasing the total contract amount to not more than \$316,653.38. The amendment 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 Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 488-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the Board of Control Resolution No. 419-05, adopted August 10, 2005, approving the bid of Able Contracting Group, Inc. (FBE), for fence improvements for the East 65th Street Station, 2301 East 65th Street yard, for the Division of Street Maintenance, Department of Public Service, is amended by deleting date of August 11, 2005 and substituting the correct date of August 11, 2004.

Be it further resolved that all other provisions of said Resolution No. 419-05 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 489-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Sterling Truck Sales for an estimated quantity of cab/chassis with tow body, for the various divisions of City government for the period of one year beginning with the date of execution of a contract, received on July 7, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to \$353,950.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154251 which shall be certified against the contract in the sum of \$353,950.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Valley Sterling Truck Sales for the above-mentioned purchase is hereby approved:

Marmon-Herrington Company
\$36,560.00 per unit - 10.33%

Noble's Wrecker Equipment Sales
\$203,458.00 per unit - 57.48%

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 490-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of NozzleNew, Inc. for an estimated quantity of fuel dispensing pump repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on July 14, 2005, under the authority of Ordinance No. 996-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to \$616,837.40 (2% 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154282

which shall be certified against the contract in the sum of \$75,000.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 491-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that all bids received on June 17, 2005 for an estimated quantity of Elgin Gutter Broom Sets, tubes and gutter brooms (all items) for the Division of Streets, Department of Public Service, under the authority of Ordinance No. 766-04, passed May 17, 2004, are rejected.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 492-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of NozzleNew, Inc. for an estimated quantity of fuel storage tank removal, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on July 14, 2005, under the authority of Ordinance No. 996-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to \$239,594.40 (2% 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154283

which shall be certified against the contract in the sum of \$12,000.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 493-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Advanced Auto Glass, Inc. for an estimated quantity of auto and truck glass repair (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on July 7, 2005, under the authority of Ordinance No. 995-04, passed by the Council of the City of Cleveland on August 11, 2004, which on the basis of the estimated quantity would amount to \$86,146.42 (2.2% 10 Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154287

which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 494-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Peterbilt LLC. for an estimated quantity of radiator repair (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on June 29, 2005, under the authority of Ordinance No. 925-04, passed by the Council of the City of Cleveland on August 11, 2004, which on the basis of the estimated quantity would amount to \$25,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154288

which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 495-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Republic Services of Ohio Hauling, LLC for an estimated quantity of transfer and disposal of bulk waste, Contract B, alternate 3, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year, beginning with the date of execution of a contract, received on August 17, 2005 under the authority of Ordinance No. 360-05, passed March 28, 2005, which on the basis of the estimated quantity would amount to approximately \$123,210.00, is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 130577

which shall be certified against the contract in the sum of (\$25,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Republic Services of Ohio Hauling, LLC for the services necessary for

the transfer and disposal of bulk waste, Contract B, alternate 3, for the Division of Waste Collection is approved:

R&J Trucking, Inc.
32.4% — \$40,000.00

Granger Trucking, Inc.
(MBE) — 11.95% — \$14,735.00

Interstate Safety & Service Co., Inc.
(FBE) — 7.97% — \$9,824.00

Ramos Trucking Corp.
(MBE) — 11.95% — \$14,735.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 496-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Republic Services of Ohio II, LLC for an estimated quantity of transfer and disposal of municipal solid waste, Contract W, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on August 17, 2005 pursuant to the authority of Ordinance No. 361-05, passed March 28, 2005, which on the basis of the estimated quantity would amount to approximately Eight Million Four Hundred Seventy-Seven Thousand Seven Hundred and no/100 Dollars (\$8,477,700.00), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130576 which shall be certified against such contract in the sum of One Million Three Hundred Thousand and no/100 Dollars (\$1,300,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Republic Services of Ohio II, LLC for the transfer and disposal of municipal solid waste, Contract W is hereby approved:

R & J Trucking, Inc.
30.67% — \$2,600,000.00

Granger Trucking, Inc.
(MBE) — 7.5% — \$635,828.00

Ramos Trucking
(MBE) — 7.5% — \$635,828.00

Interstate Safety & Services, Inc.
(FBE) — 5% — \$423,885.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 497-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Browning-Ferris Industries of Ohio, Inc. for the purchase of an estimated quantity of direct haul disposal of municipal solid waste from areas of the City in proximity to and to be served by the transfer site at 8123 Jones Road, Cleveland, Ohio 44105, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on August 17, 2005 pursuant to the authority of Ordinance No. 362-05, passed March 28, 2005, which on the basis of the estimated quantity would amount to approximately Eight Million Seventy One Thousand Two Hundred and no/100 Dollars (\$8,071,200.00), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130578

which shall be certified against such contract in the sum of Five Hundred Thousand and no/100 Dollars (\$500,000.00).

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 498-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of Fire Force, Inc. for an estimated quantity of M.S.A. SCBA facepieces, Item 1, for the Department of Public Safety, Division of Fire, for the period of one (1) year beginning with the date of execution of a contract, received on August 4, 2005, under the authority of Ordinance No. 1089-04, passed by Cleveland City Council on August 11, 2004, which on the basis of the estimated quantity would amount to \$26,200.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159147

which shall be certified against the contract in the sum of \$26,200.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 499-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of Zumro, Inc. for an estimated quantity of decontamination shelter, for the Department of Public Safety, Division of Fire, for the period of one (1) year beginning with the date of execution of a contract, received on August 4, 2005, under the authority of Ordinance No. 1086-04, passed by Cleveland City Council on August 11, 2004, which on the basis of the estimated quantity would amount to \$36,504.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159148

which shall be certified against the contract in the sum of \$36,504.00.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 500-05.

By Director Thompson.

Whereas, by Resolution No. 356-96, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, the Ohio Planning Conference, founded in 1919, is the nation's first statewide association of citizens and professional planners and holds a statewide conference every two (2) years to highlight contemporary planning techniques and practices; and

Whereas, the Cleveland City Planning Commission has agreed to co-host the 2005 State Planning Conference with the Ohio Planning Con-

ference to highlight the planning initiatives underway in the City of Cleveland and Northeast Ohio region; and

Whereas the Cleveland City Planning Commission is taking an active role in organizing events to showcase the Lakefront Plan, Connecting Cleveland 2020 Citywide Plan and other City-sponsored planning and development projects; and

Whereas the conference attendees are drawn from public agencies, elected officials and volunteer planning board members from throughout Ohio and the overriding goal is to assure an affordable event; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that not withstanding the terms of Resolution No. 356-96, adopted May 29, 1996, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, the use of the space at the Cleveland Convention Center for the Ohio Planning Conference to be held on September 29 & 30, 2005, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to the Ohio Planning Conference by the Cleveland Convention Center shall be charged to the Ohio Planning Conference and the Cleveland City Planning Commission at the prevailing rate, and that all other provisions of the Resolution No. 117-03 not expressly amended, shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 501-05.

By Director Thompson.

Whereas, by Resolution No. 356-96, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, the City of Cleveland will be hosting the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation; and

Whereas, the Tom Joyner Sky Show, the Greek Step Show, the Jammin for Education, and the Drumline Showcase events are held in conjunction with the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation; and

Whereas, the Cleveland Convention Center will host the Tom Joyner Sky Show and the Drumline Showcase on September 16, 2005, Jammin for Education and the Greek Step Show on September 17, 2005, in conjunction with the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation; and

Whereas, the goal of the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation is to raise the profile of historically Black Universities and

intends to raise hundreds of thousands of dollars in scholarship money; and

Whereas, because the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation will attract tens of thousands of visitors to the City of Cleveland and would generate millions of dollars in tax and service revenues; now therefore

Be it resolved by the Board of Control of the City of Cleveland that not withstanding the terms of Resolution No. 356-96, adopted May 29, 1996, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, the use of the space at the Cleveland Convention Center for the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation to be held on September 16 & 17, 2005, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to the 2005 Proctor & Gamble Ohio Classic/Community Quarterback Foundation by the Cleveland Convention Center shall be charged at the prevailing rate, and that all other provisions of the Resolution No. 117-03 not expressly amended, shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 502-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 127-16-110 located at Eastern Avenue in Ward 5; and

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

Whereas, Maggie M. Poindexter, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Offi-

cial Deed for and on behalf of the City of Cleveland, with Maggie M. Poindexter for the sale and development of Permanent Parcel No. 127-16-110 located at Eastern Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 503-05.

By Director Huth.

Whereas, pursuant to the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinances Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997, respectively, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell parcels of the Property described therein and located in the City of Warrensville Heights, which parcels, are no longer needed for public use, in accordance with the terms of the Master Development Agreement ("MDA") set forth in the ordinance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinances Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997, respectively, the Commissioner of Purchases and Supplies is directed to sell parcels of the Property described in the ordinance and parcels no longer needed for public use, to JLP-Harvard Park LLC., according to the MDA set forth in Ordinance No. 2197-88, as amended; the parcels are more fully described in Exhibit A, attached to this resolution and incorporated by reference. The consideration to be paid for the parcels is fixed at \$412,005.94, which amount is determined in accordance with Section 4.1 and Section 4.2 of the MDA.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed or deeds of the City of Cleveland conveying the Property.

**EXHIBIT A
LEGAL DESCRIPTION FOR
24.8932 ACRES RESIDUAL
PARCEL 'C-1'
PART OF CHAGRIN HIGHLANDS
WARRENSVILLE HEIGHTS, OHIO**

Situated in the City of Warrensville Heights, County of Cuyahoga, State of Ohio and known as being a part of Original Warrensville Township Lot #80 and being a 24.8932 acres Residual Parcel 'C-1' from the 28,2314 acres Residual Parcel #C (PP #763-33-002) as shown on the Lot Split Plat for Chagrin Highland, Ltd. as recorded in Volume 330, Page 81 of Cuyahoga County Map Records and further bounded and described as follows;

Beginning at an iron pin monument found marking the centerlines of Harvard Road as widened (width varies) and Richmond Road, a.k.a. S.R. 175 as widened (width varies);

Thence South 89° 45' 13" East, along said centerline of Harvard Road, a distance of 1251.96 feet to a point, said point being North 89° 45' 13" West, distant 47.69 feet from an iron pin monument marking the centerline of the Southbound exit ramp of said Interstate Route 271;

Thence South 00° 14' 47" West, perpendicular to said centerline of Harvard Road, a distance of 81.00 feet* to a point on the Southerly sideline thereof at a Westerly sideline of said Interstate Route 271, said point also being the Northeastly corner of a 10.3066 acres Lot Split Parcel 'A' (PP #763-34-001) of said Chagrin Highland, Ltd's Lot Split Plat;

Thence South 04° 39' 03" East, along said Westerly sideline of Interstate Route 271, the Easterly line of said Lot Split Parcel 'A' (PP #763-34-001), a distance of 236.64 feet* to an angle point therein;

Thence South 00° 04' 50" East, continuing along said Westerly sideline of Interstate 271, said Easterly line of Lot Split Parcel 'A' (PP #763-34-001), a distance of 396.76 feet* to an angle point therein;

Thence South 08° 34' 12" West, continuing along said Westerly sideline of Interstate 271, said Easterly line of Lot Split Parcel 'A' (PP #763-34-001), a distance of 14.13 feet* to the Southeastly corner thereof and the Principle Place of Beginning of the Premises herein intended to be described;

Course I: Thence South 08° 34' 12" West, continuing along said Westerly sideline of Interstate 271, a distance of 360.32 feet* to an angle point therein;

Course II: Thence South 16° 14' 11" West, continuing along said Westerly sideline of Interstate Route 271, a distance of 376.28 feet* to the Northeastly corner of a 3.3382 acres Wetland Easement of said Chagrin Highland, Ltd's Lot Split Plat, said Easement also being the same as the 3.3382 acres Proposed Lot Split Parcel 'D';

Course III: Thence Due West, along the Northerly line of said Wetland Easement, the Proposed Lot Split Parcel 'D', a distance of 393.18 feet* to the Northwestly corner thereof;

Course IV: Thence Due South, along the Westerly line of said Wetland Easement, the Proposed Lot Split Parcel 'D', a distance of 441.51 feet* to the Southwestly corner thereof on the Northerly line of land as conveyed to The Little Sisters of the Poor - Home for the Aged by deed dated August 18, 1958 and as recorded in Volume 9411, Page 650 (PP #763-33-001) of Cuyahoga County Deed Records;

Course V: Thence North 89° 39' 42" West, along the Northerly line of said The Little Sisters of the Poor - Home for the Aged's land (PP #763-33-001), a distance of 660.86 feet* to the Northwestly corner thereof on the Easterly sideline of said Richmond Road, said point being South 89° 39' 42" East, distant 53.97 feet from said centerline of Richmond Road;

Course VI: Thence North 02° 45' 28" East, along said Easterly sideline of Richmond Road, a distance of 142.51 feet* to an angle point therein;

Course VII: Thence North 00° 04' 15" West, continuing along said Easterly sideline of Richmond Road, parallel to and at a perpendicular distance of 61.00 feet East of said centerline of Richmond Road, a distance of 963.44 feet* to a point to the Southwestly corner of said Lot Split Parcel 'A' (PP #763-34-001);

Course VIII: Thence North 44° 55' 48" East, along a Southerly line of said Lot Split Parcel 'A' (PP #763-34-001), a distance of 21.21 feet* to an angle point therein;

Course IX: Thence North 89° 55' 51" East, continuing along said Southerly line of Lot Split Parcel 'A' (PP #763-34-001), a distance of 523.45 feet* to an angle point therein;

Course X: Thence North 79° 43' 37" East, continuing along said Southerly line of Lot Split Parcel 'A' (PP #763-34-001), a distance of 523.93 feet* to an angle point therein;

Course XI: Thence North 89° 55' 51" East, continuing along said Southerly line of Lot Split Parcel 'A' (PP #763-34-001), a distance of 485.89 feet to the Principal Place of Beginning and containing 24.8932 acres (1,084,348 sq. ft.) of land as surveyed by Donald F. Sheehy, Registered Surveyor #7849 and as calculated and described from Cuyahoga County Records by James A. Wendorf, Registered Surveyor #6556 of Chagrin Valley Engineering, Ltd., in January, 2005, be the same more or less but subject to all legal highways;

The above described parcel is subject to an existing 20 Foot Wide Sanitary Sewer Easement #1 dated January 11, 2000 and as recorded in Document #20001110193 of Cuyahoga County Document Records;

Stream Channel Easement (Outlet), 20 foot wide Storm Sewer Easement and restricted Curb Cuts as per ALTA/ACSM Land Title Survey Plat as prepared for Cleveland East Hotel, L.L.C., drawing dated April 4, 2004, Rev. 'E' as prepared by Chagrin Valley Engineering, Ltd.;

Easements of record;
Basis of bearing for this legal description is North 89° 45' 13" West as the centerline of Harvard Road as widened (width varies) as shown on the Plat Of Survey And Master Development Plan On Lands Of The City Of Cleveland dated January, 1998 as prepared by CT Consultants, Inc. Engineers-Architects-Planners. *5/8" iron pin w/yellow cap "Donald F. Sheehy #7849"

File #03039
July 23, 2004 (jaw)
Revised September 7, 2005 (jaw)

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Director Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119,

City Hall, East 6th Street, and Lakeside Avenue.

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 26, 2005

9:30 A.M.

Calendar No. 05-267: 4651-53 Pearl Road (Ward 16)

Richard Marusa, owner, appeals to erect a 45' x 38' one-story addition for auto detailing and office space to be situated on an irregular shaped corner lot in a Local Retail Business District, where there is a legal nonconforming used car sales business, previously established by a variance from the Board of Zoning Appeals in Calendar No. 98-103, at the southeast corner of Pearl and Biddulph Roads at 4651-53 Pearl Road; contrary to Section 343.01, where auto detailing is not permitted in a Local Retail Business District and subject to Section 359.01 that requires the Board of Zoning Appeals approval for an addition to the existing nonconforming buildings and uses; with Section 352.11 that requires a 10' wide landscaping transition strip (providing 75% year-round opacity) along the property line where it abuts a One-Family District; and Section 352.09 that states neither the dumpster enclosure, or parking, or the display of motor vehicles is permitted in the 10' wide transition strip; and the expansion of use is required to provide landscaping on 15% of the land or floor area the use occupies and 1,000 s/f of such area, as stated in Sections 352.07(b)(2)(B) of the Codified Ordinances.

Calendar No. 05-269: 2134 West 6th Street (Ward 13)

Sutton Builders, owner, and Matt Berges, agent, appeal to erect a 20' x 40' three-story, two family residence, proposed to be situated on a 25' x 100' parcel in a Multi-Family District on the southwest side of West 6th Street at 2134 West 6th Street; contrary to Section 355.05(b), a 25 s/f minimum lot width is provided and 50 s/f is required, with a minimum lot area of 2,500 s/f instead of 6,000 s/f and the required maximum gross floor area is 50% of

the lot size or, 1,250 s/f, and 2,400 s/f is provided; with a 2' interior side yard, instead of the 3' minimum distance; and 6' is provided, where no building may be less than 10' away from a main building on an adjoining lot, as stated in Sections 357.09(2)B and A of the Codified Ordinances.

Calendar No. 05-271: 5914 Merrill Avenue (Ward 17)
Tierra Associates, owner, and John Darrah appeal to erect a 45' x 120' one-story warehouse addition, proposed to be situated on the southwest corner of an irregular shaped lot, located in split zoning between Semi-Industry and Two-Family Districts on the north side of Merrill Avenue at 5914 Merrill Avenue; contrary to the residence limitations of Section 337.03(a) and subject to Section 359.01(a) that requires the Board of Zoning Appeals approval for the nonconforming warehouse addition; but limited by Section 329.04(d)(3) where the Board of Zoning Appeals shall not allow uses other than those listed in the Zoning Code as permitted in the use district next lower in order of restrictiveness to the district in which such lot is located, as stated in the Codified Ordinances.

Calendar No. 05-278: 2235 West 20th Street (Ward 14)
Israel Colon, owner, appeals to erect a 23' x 42' two-story frame, single family residence on a 33' x 133' parcel in a Multi-Family District on the east side of West 20th Street at 2235 West 20th Street; and a 5' distance is provided, where no less than 10' is required from the main building on an adjoining lot, as stated in Section 357.09 of the Codified Ordinances.

Calendar No. 05-279: 2239 West 20th Street (Ward 14)
Israel Colon, owner, appeals to erect a 23' x 42' two-story frame, single family residence on a 33' x 133' parcel in a Multi-Family District on the east side of West 20th Street at 2239 West 20th Street; and a 5' distance is provided, where no less than 10' is required from the main building on an adjoining lot, as stated in Section 357.09 of the Codified Ordinances.

Calendar No. 05-222: 13014-18 Lorain Avenue (Ward 19)
D. Romano LLC, owner, and Megan Roberts, agent, appeal to expand the use of an existing Body Piercing and Tattoo Shop, previously granted a variance by the Board on May 12, 2003 in Calendar No. 03-87, to add a use for tattooing in an existing legal, nonconforming body piercing shop, with conditions for specific business hours of operation from 12:00 PM to 8:00 PM, Monday through Saturday, and from 11:00 AM to 5:00 PM on Sunday, for the combined uses in a 950 s/f shop area of a two-story building, situated on a 20' x 100' lot in a General Retail Business District on the north side of Lorain Avenue at 13014 Lorain Avenue; appellant now appeals to expand the existing use and requires a special permit to be issued by the Board of Zoning Appeals, as stated in Section 359.01(a) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 12, 2005

At the meeting of the Board of Zoning Appeals on Tuesday, September 6, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-251: 6918 Gertrude Avenue
Walter and Nancy Eddy appealed to erect a second story room addition to a one family dwelling in a Two-Family District.

Calendar No. 05-257: 12300 Sprecher Avenue
Timco Rubber Products, Inc. appealed to erect a one-story addition to an existing warehouse in split zoning for One-Family, Semi-Industry and General Industry Districts.

Calendar No. 05-235: 9010-9110 Kenmore Avenue; 1576-1596 Crawford Road
Kenmore Village Limited Partnership appealed to install 670 linear feet of 4' high ornamental fence; and 370 linear feet of 10' high ornamental fence; and 80 linear feet of 8' high ornamental fence in a Multi-Family District.

Calendar No. 05-236: 403-05 East 152nd Street
Richard Harris appealed to erect a wooden wheelchair ramp at the front of a two family dwelling unit in a Two-Family District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 05-252: 3404 East 140th Street
Zenobia Cummings appealed to establish use as a Type A Day Care in a two family dwelling in a Multi-Family District.

Calendar No. 05-254: 1499 West 117th Street
Columbo Enterprises appealed to erect a car wash facility in a General Retail Business District.

The following appeals were **Postponed:**

Calendar No. 05-250: 3664 West 46th Street postponed to October 10, 2005.

Calendar No. 05-253: 10400 Lorain Avenue postponed to October 3, 2005.

Calendar No. 05-255: 2780 East 116th Street postponed to October 10, 2005.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

In Executive Session on September 12, 2005, the following appeals heard by the Board on September 6, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-247: 1306 West 65th Street
Peter Leneghan appealed to erect an addition and make alterations to a mixed use building in a Two-Family District.

Calendar No. 05-248: 2139 West 10th Street
Craig Cupach appealed to erect a three-story single family dwelling in a Multi-Family District.

Calendar No. 05-219: 4298 West 189th Street
Roberta Munteanu appealed to erect an 8' x 18' wolmanized wooden deck to the front of an existing single family dwelling in a One-Family District.

The following appeal was **Denied:**

Calendar No. 05-166: 2137 West 85th Street
Paul Johnson appealed to change a single family dwelling to an adult group home in a Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of September 7, 2005

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

* * *

Docket A-86-05.

RE: Appeal of Eric Minshall, Receiver, Owner of the Masonry Property located on the premises known as 2310 Superior Avenue from a NOTICE OF VIOLATION—HVAC of the Director of the Department of Building and Housing, dated June 23, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled for October 5, 2005.

* * *

Docket A-89-05.

RE: Appeal of Charles Christopher Real Estate, Owner of the Property located on the premises known as 2572 Scranton Road from a IMMEDIATE CEASE USE ORDER of the Director of the Department of Building and Housing, dated August 16, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-89-05 has been POSTPONED; to be rescheduled for October 5, 2005.

Docket A-99-05.

RE: Appeal of Cleveland Municipal School District, Owner of the Property located on the premises known as 14601 Montrose Avenue from an ABATEMENT ORDER of the Director of the Department of Building and Housing, dated August 23, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the boxes to remain at 49-1/2", noting the complete compliance regulations and other safe features in the building. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-101-05.

RE: Appeal of OCS Limited Partnership, Owner of the Property located on the premises known as 3607 West 32nd Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 2, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances required to allow the building to exist without the one-hour separation between the mechanical room and the floor, with the provision that a hardwired smoke detector system alarming throughout the building be installed in all areas of the basement, and that the penetrations through the mechanical floor be properly fire stopped. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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-87-05—Ebenezer Assembly of Christ.

A-88-05—Cleveland Municipal School District.

A-90-05—The Cleveland Museum of Art.

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

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders 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):

August 24, 2005

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

* * *

Secretary

THE REGULAR SCHEDULED BOARD OF BUILDING STANDARDS AND BUILDING APPEALS HEARING FOR SEPTEMBER 21, 2005 HAS BEEN CANCELLED; THE NEXT BOARD OF BUILDING STANDARDS AND BUILDING APPEALS MEETING WILL BE HELD ON OCTOBER 5, 2005.

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Scaled bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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, SEPTEMBER 21, 2005

Thurgood Marshall Ball Diamond Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, SEPTEMBER 15, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

Hand Held and Hand Held Power Tools, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 636-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, FRIDAY, SEPTEMBER 16, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

September 7, 2005 and September 14, 2005

THURSDAY, SEPTEMBER 22, 2005

Constructing and Repairing Catch Basins and Manholes at Various Locations Throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, passed by the Council of the City of Cleveland, July 16, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, FRIDAY, SEPTEMBER 16, 2005 AT 10:30 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

September 7, 2005 and September 14, 2005

FRIDAY, SEPTEMBER 23, 2005

Maintaining Detention Facilities, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 810-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A **MANDATORY PRE-BID** MEETING, FRIDAY, SEPTEMBER 16, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

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

September 7, 2005 and September 14, 2005

WEDNESDAY, SEPTEMBER 28, 2005

Ballistic Vests, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1667-83, passed by the Council of the City of Cleveland, June 19, 1984.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, THURSDAY, SEPTEMBER 15, 2005 AT 11:00 A.M., CPD/BUDGET UNIT JC, 1300 ONTARIO STREET, CLEVELAND, OHIO 44114.

September 7, 2005 and September 14, 2005

THURSDAY, SEPTEMBER 29, 2005

New Parks Maintenance Facility Rockefeller Park, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2042-03, passed by the Council of the City of Cleveland, December 5, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, THURSDAY, SEPTEMBER 15, 2005 AT 2:00 P.M., CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Renovations to the Glenville Waste Station, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2146-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, TUESDAY, SEPTEMBER 20, 2005 AT 10:00 A.M., GLENVILLE WASTE STATION, 10801 LEUER AVENUE, CLEVELAND, OHIO 44114.

September 7, 2005 and September 14, 2005

WEDNESDAY, SEPTEMBER 28, 2005

Gardenview Hill & Grant Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, SEPTEMBER 22, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

September 14, 2005 and September 21, 2005

WEDNESDAY, OCTOBER 5, 2005

Automotive/Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Services, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING MONDAY, SEPTEMBER 26, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

2060 East 83rd Street Demolition, for the Division of Construction Permitting, Department of Building and Housing as authorized by Ordinance No. 653-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING MONDAY, SEPTEMBER 26, 2005 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 509, CLEVELAND, OHIO 44114.

1407 East 40th Street Demolition, for the Division of Construction Permitting, Department of Building and Housing, as authorized by Ordinance No. 653-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING MONDAY, SEPTEMBER 26, 2005 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 509, CLEVELAND, OHIO 44114.

September 14, 2005 and September 21, 2005

THURSDAY, OCTOBER 6, 2005

Diagnostic Equipment for the Olympus BX 51 Microscope, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, SEPTEMBER 23, 2005 AT 10:00 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

Wireless Audio/Video Systems, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, SEPTEMBER 23, 2005 AT 10:30 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

September 14, 2005 and September 21, 2005

FRIDAY, OCTOBER 7, 2005

(A) **Estimated Quantity of Six (6) High-Speed, Multi-Function Units of Snow Removal Equipment** and (B) **Estimated Quantity of Six (6) High Speed, Multi-Function, Tow Behind Broom/Blower Units of Snow Removal Equipment**, for Various Division of City Government, Department of Public Services, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **MANDATORY PRE-BID** MEETING, MONDAY, SEPTEMBER 26, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49H STREET, BUILDING 31, CLEVELAND, OHIO 44105.

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

September 14, 2005 and September 21, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

**Monday, September 12, 2005
2:00 p.m.**

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

**Tuesday, September 13, 2005
9:30 p.m.**

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

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

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 BOC Res. 207-01 — Dept. of Port Control (BOC Res. 486-05) 2028

Security and control system study for Cleveland Hopkins International Airport
 Capital Improvement Plan — amend Contract #58018 per BOC Res. 125-01, 826-02 — Dept.
 of Port Control (BOC Res. 487-05) 2028

Board of Control — Community Development Department

Eastern Avenue (Ward 5) — PPN 127-16-110 — Maggie M. Poindexter (BOC Res. 502-05) 2031

Board of Control — Convention Center and Stadium Division

Rental Rates at Convention Center — Ohio Planning Conference — Sept. 29-30 — no charge
 - Dept. of Parks, Recreation and Properties (BOC Res. 500-05) 2030

Rental Rates at Convention Center — Tom Joyner Sky Show (9/16) and Jammin for
 Education/Greek Step Show (9/17) — no charge — Dept. of Parks, Recreation and
 Properties (BOC Res. 501-05) 2031

Board of Control — Finance Department

Building materials and paving bricks, used — contract per Ord. 545-05 to
 Bruder, Inc. (BOC Res. 478-05) 2026

Building materials and paving bricks, used — contract per Ord. 545-05 to Cleveland
 Central Enterprises, Inc. (BOC Res. 479-05) 2027

Building materials and paving bricks, used — contract per Ord. 545-05 to John Gavin,
 d.b.a., Gavin Historical Bricks (BOC Res. 480-05) 2027

Building materials — per Ord. 545-05 — bids rejected (BOC Res. 481-05)..... 2027

Sale of scrap, personal property, and by-products in August, 2005 pursuant to BOC Res.
 921-52 (BOC Res. 477-05) 2026

Sell city property in City of Warrensville Heights — per Ord. 2197-88, 1458-90, 1166-96
 - JLP-Harvard Park LLC (BOC Res. 503-05) 2031

Board of Control — Fire Division

Decontamination shelter — contract per Ord. 1086-04 to Zumro, Inc. — Dept. of Public
 Safety (BOC Res. 499-05) 2030

MSA SCBA facepieces — contract per Ord. 1089-04 to Fire Force, Inc. — Dept. of
 Public Safety (BOC Res. 498-05) 2030

Board of Control — Land Reutilization Program

Eastern Avenue (Ward 5) — PPN 127-16-110 — Maggie M. Poindexter (BOC Res. 502-05) 2031

Board of Control — Land Reutilization Program (Ward 5)

Eastern Avenue (Ward 5) — PPN 127-16-110 — Maggie M. Poindexter (BOC Res. 502-05) 2031

Board of Control — Land Sales

Sell city property in City of Warrensville Heights — per Ord. 2197-88, 1458-90, 1166-96
 - JLP-Harvard Park LLC (BOC Res. 503-05) 2031

Board of Control — Motor Vehicle Maintenance Division

Fuel dispensing pump repair — contract per Ord. 996-04 to NozzleNew, Inc. — Dept.
 of Public Service (BOC Res. 490-05) 2029
 Fuel storage tank removal — contract per Ord. 996-04 to NozzleNew, Inc. — Dept. of Public
 Service (BOC Res. 492-05) 2029
 Glass (auto / truck) repair — contract per Ord. 995-04 to Advanced Auto Glass, Inc.
 - Dept. of Public Service (BOC Res. 494-05) 2029
 Radiator repair — contract per Ord. 925-04 to Cleveland Peterbilt, LLC — Dept. of Public
 Service (BOC Res. 493-05) 2029

Board of Control — Parks, Recreation and Properties Department

Rental Rates at Convention Center — Ohio Planning Conference — Sept. 29-30 — no charge
 - Division of Convention Center and Stadium (BOC Res. 500-05) 2030
 Rental Rates at Convention Center — Tom Joyner Sky Show (9/16) and Jammin for
 Education/Greek Step Show (9/17) — no charge — Division of Convention Center
 and Stadium (BOC Res. 501-05) 2031

Board of Control — Port Control Department

Air planning studies — amend Contract #63189 per BOC Res. 368-04 (BOC Res. 485-05) 2028
 Painting and paint removal from roadways, runways and other paved areas — contract per
 Ord. 273-05 to Hi-Lite Markings, Inc. (BOC Res. 482-05) 2027
 Residential Sound Insulation Program, Phase 2 Continuation — modify Contract #58107 per
 BOC Res. 207-01 — Division of Cleveland Hopkins International Airport (BOC Res. 486-05) 2028
 Security and control system study for Cleveland Hopkins International Airport
 Capital Improvement Plan — amend Contract #58018 per BOC Res. 125-01, 826-02
 - Division of Cleveland Hopkins International Airport (BOC Res. 487-05) 2028
 Software upgrades (engineering operations, maintenance, pavement inventory systems)
 - contract per Ord. 618-04 to TMA Systems, LLC (BOC Res. 484-05) 2027
 Variable rate debt and interest rate swap transactions administration — contract per Ord.
 1156-03 to Government Capital Management, LLC (BOC Res. 483-05) 2027

Board of Control — Professional Service Contracts

Air planning studies — amend Contract #63189 per BOC Res. 368-04 — Dept. of Port Control
 (BOC Res. 485-05) 2028
 Residential Sound Insulation Program, Phase 2 Continuation — modify Contract #58107 per
 BOC Res. 207-01 — Division of Cleveland Hopkins International Airport, Dept. of Port
 Control (BOC Res. 486-05) 2028
 Security and control system study for Cleveland Hopkins International Airport
 Capital Improvement Plan — amend Contract #58018 per BOC Res. 125-01, 826-02
 - Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 487-05) 2028
 Software upgrades (engineering operations, maintenance, pavement inventory systems)
 - contract per Ord. 618-04 to TMA Systems, LLC — Dept. of Port Control (BOC Res. 484-05) 2027
 Variable rate debt and interest rate swap transactions administration — contract per Ord.
 1156-03 to Government Capital Management, LLC — Dept. of Port Control (BOC Res. 483-05) 2027

Board of Control — Public Safety Department

Decontamination shelter — contract per Ord. 1086-04 to Zumro, Inc. — Division of Fire (BOC Res. 499-05)	2030
MSA SCBA facepieces — contract per Ord. 1089-04 to Fire Force, Inc. — Division of Fire (BOC Res. 498-05)	2030

Board of Control — Public Service Department

Bulk waste, transfer and disposal of (Contract B) — contract per Ord. 360-05 to Republic Services of Ohio Hauling, LLC — Division of Waste Collection and Disposal (BOC Res. 495-05).....	2029
Cab / chassis with tow body — contract per Ord. 1481-04 to Valley Sterling Truck Sales (BOC Res. 489-05)	2028
Elgin Gutter Broom sets, tubes and gutter brooms — per Ord. 766-04 — all bids rejected - Division of Streets (BOC Res. 491-05)	2029
Fence improvements at East 65th Street Yard — amend BOC Res. 419-05 — Division of Streets (BOC Res. 488-05)	2028
Fuel dispensing pump repair — contract per Ord. 996-04 to NozzleNew, Inc. — Division of Motor Vehicle Maintenance (BOC Res. 490-05)	2029
Fuel storage tank removal — contract per Ord. 996-04 to NozzleNew, Inc. — Division of Motor Vehicle Maintenance (BOC Res. 492-05).....	2029
Glass (auto / truck) repair — contract per Ord. 995-04 to Advanced Auto Glass, Inc. - Division of Motor Vehicle Maintenance (BOC Res. 494-05).....	2029
Radiator repair — contract per Ord. 925-04 to Cleveland Peterbilt, LLC — Division of Motor Vehicle Maintenance (BOC Res. 493-05).....	2029
Solid waste, direct haul from areas served by Jones Road transfer site — contract per Ord. 362-05 to Browning-Ferris Industries of Ohio, Inc. — Division of Waste Collection and Disposal (BOC Res. 497-05)	2030
Solid waste, transfer and disposal (Contract W) — contract per Ord. 361-05 to Republic Services of Ohio II, LLC — Division of Waste Collection and Disposal (BOC Res. 496-05)	2030

Board of Control — Purchases and Supplies Division

Sale of scrap, personal property, and by-products in August, 2005 pursuant to BOC Res. 921-52 (BOC Res. 477-05)	2026
Sell city property in City of Warrensville Heights — per Ord. 2197-88, 1458-90, 1166-96 - JLP-Harvard Park LLC (BOC Res. 503-05)	2031

Board of Control — Requirement Contracts

Building materials and paving bricks, used — contract per Ord. 545-05 to Bruder, Inc. - Dept. of Finance (BOC Res. 478-05).....	2026
Building materials and paving bricks, used — contract per Ord. 545-05 to Cleveland Central Enterprises, Inc. — Dept. of Finance (BOC Res. 479-05).....	2027
Building materials and paving bricks, used — contract per Ord. 545-05 to John Gavin, d.b.a., Gavin Historical Bricks — Dept. of Finance (BOC Res. 480-05).....	2027
Bulk waste, transfer and disposal of (Contract B) — contract per Ord. 360-05 to Republic Services of Ohio Hauling, LLC — Division of Waste Collection and Disposal, Dept. of Public Service (BOC Res. 495-05).....	2029
Cab / chassis with tow body — contract per Ord. 1481-04 to Valley Sterling Truck Sales - Dept. of Public Service (BOC Res. 489-05)	2028
Decontamination shelter — contract per Ord. 1086-04 to Zumro, Inc. — Division of Fire, Dept. of Public Safety (BOC Res. 499-05)	2030
Fuel dispensing pump repair — contract per Ord. 996-04 to NozzleNew, Inc. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 490-05)	2029
Fuel storage tank removal — contract per Ord. 996-04 to NozzleNew, Inc. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 492-05)	2029

Glass (auto / truck) repair — contract per Ord. 995-04 to Advanced Auto Glass, Inc. - Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 494-05)	2029
MSA SCBA facepieces — contract per Ord. 1089-04 to Fire Force, Inc. — Division of Fire, Dept. of Public Safety (BOC Res. 498-05)	2030
Painting and paint removal from roadways, runways and other paved areas — contract per Ord. 273-05 to Hi-Lite Markings, Inc. — Dept. of Port Control (BOC Res. 482-05)	2027
Radiator repair — contract per Ord. 925-04 to Cleveland Peterbilt, LLC — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 493-05)	2029
Solid waste, direct haul from areas served by Jones Road transfer site — contract per Ord. 362-05 to Browning-Ferris Industries of Ohio, Inc. — Division of Waste Collection and Disposal, Dept. of Public Service (BOC Res. 497-05)	2030
Solid waste, transfer and disposal (Contract W) — contract per Ord. 361-05 to Republic Services of Ohio II, LLC — Division of Waste Collection and Disposal, Dept. of Public Service (BOC Res. 496-05)	2030

Board of Control — Standard Purchase Contracts

Fence improvements at East 65th Strret Yard — amend BOC Res. 419-05 — Division of Streets, Dept. of Public Service (BOC Res. 488-05)	2028
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Board of Control — Streets Division

Elgin Gutter Broom sets, tubes and gutter brooms — per Ord. 766-04 — all bids rejected - Dept. of Public Service (BOC Res. 491-05)	2029
Fence improvements at East 65th Strret Yard — amend BOC Res. 419-05 — Dept. of Public Service (BOC Res. 488-05)	2028

Board of Control — Waste Collection and Disposal Division

Bulk waste, transfer and disposal of (Contract B) — contract per Ord. 360-05 to Republic Services of Ohio Hauling, LLC — Dept. of Public Service (BOC Res. 495-05)	2029
Solid waste, direct haul from areas served by Jones Road transfer site — contract per Ord. 362-05 to Browning-Ferris Industries of Ohio, Inc. — Dept. of Public Service (BOC Res. 497-05)	2030
Solid waste, transfer and disposal (Contract W) — contract per Ord. 361-05 to Republic Services of Ohio II, LLC — Dept. of Public Service (BOC Res. 496-05)	2030

Board of Zoning Appeals — Report

Crawford Road, 1576-1596, (Ward 7) – Kenmore Village Limited Partnership, owner, and Dennis Robinson, agent — appeal heard on 9/12/05 (Cal. 05-235)	2033
East 116th Street, 2780, (Ward 6) – Hanini Properties, owner, and Carleton Moore, agent - appeal postponed to 10/10/05 on 9/12/05 (Cal. 05-255)	2033
East 140th Street, 3404, (Ward 3) – Zenobia Cummings, owner — appeal heard on 9/12/05 (Cal. 05-252)	2033
East 152nd Street, 403-405, (Ward 11) – Richard Harris, owner — appeal heard on 9/12/05 (Cal. 05-236)	2033
Gertrude Avenue, 6918, (Ward 12) – Walter and Nancy Eddy, owners — appeal heard on 9/12/05 (Cal. 05-251)	2033
Kenmore Avenue, 9010-9110, (Ward 7) – Kenmore Village Limited Partnership, owner, and Dennis Robinson, agent — appeal heard on 9/12/05 (Cal. 05-235)	2033
Lorain Avenue, 10400, (Ward 19) – Richard Giachetti, owner — appeal postponed to 10/3/05 on 9/12/05 (Cal. 05-253)	2033
Lorain Avenue, 13014-18, (Ward 19) – D.Romano LLC, owner, and Megan Roberts, agent, - appeal to be heard on 9/26/05 (Cal. 05-222)	2033
Sprecher Avenue, 12300, (Ward 20) – Timco Rubber Products, Inc., owner, and David Smik, agent — appeal heard on 9/12/05 (Cal. 05-257)	2033

West 10th Street, 2139, (Ward 13) – Craig Cupach, owner, — appeal granted and adopted on 9/12/05 (Cal. 05-248)..... 2033

West 117th Street, 1499, (Ward 18) – Columbo Enterprises, owner, and Anthony Costanzo, agent — appeal heard on 9/12/05 (Cal. 05-254)..... 2033

West 189th Street, 4298, (Ward 21) – Roberta Munteanu, owner — appeal granted and adopted on 9/12/05 (Cal. 05-219) 2033

West 46th Street, 3664, (Ward 15) – Patricia Jordan, owner — appeal postponed to 10/10/05 on 9/12/05 (Cal. 05-250) 2033

West 65th Street, 1306, (Ward 17) – Peter Leneghan, owner, — appeal granted and adopted on 9/12/05 (Cal. 05-247) 2033

West 85th Street, 2137, (Ward 17) – Paul Johnson, owner — appeal denied and adopted on 9/12/05 (Cal. 05-166)..... 2033

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Pearl Road, 4651-53, (Ward 16) – Richard Marusa, owner — appeal to be heard on 9/26/05 (Cal. 05-267)..... 2032

West 20th Street, 2235, (Ward 14) – Israel Colon, owner — appeal to be heard on 9/26/05 (Cal. 05-278)..... 2033

West 20th Street, 2239, (Ward 14) – Israel Colon, owner — appeal to be heard on 9/26/05 (Cal. 05-279)..... 2033

West 6th Street, 2134, (Ward 13) – Sutton Builders, owner, and Matt Berges, agent - appeal to be heard on 9/26/05 (Cal. 05-269) 2032

Bridges

E. 105th St. — City bridge No. 4:017M — highway and bridge improvement — appropriate property (O 1661-05)..... 2016

Building and Housing Department

Demolition and Board-Up programs — Madonna Hall — amend Ord. 653-05 (O 1672-05)..... 2018

Case Western Reserve University

Case Magazine — Summer 2005 (F 1699-05)..... 1978

Case’s Impact Report 2005 (F 1703-05)..... 1978

City of Cleveland Bids

Automotive / truck parts and labor — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 470-04 — bid due October 5, 2005 (advertised 9/14/2005 and 9/21/2005)..... 2035

Ballistic vests — Department of Public Safety — Division of Police - per Ord. 1667-83 — bid due September 28, 2005 (advertised 9/7/2005 and 9/14/2005)..... 2035

Catch basin and manhole construction and repair — Department of Public Utilities — Division of Water Pollution Control — per Ord. 996-03 — bid due September 22, 2005 (advertised 9/7/2005 and 9/14/2005) 2034

Demolition of East 40th Street, 1407 — Department of Building and Housing — Division of Construction Permitting — per Ord. 653-05 — bid due October 5, 2005 (advertised 9/14/2005 and 9/21/2005) 2035

Demolition of East 83rd Street, 2060 — Department of Building and Housing — Division of Construction Permitting — per Ord. 653-05 — bid due October 5, 2005(advertised 9/14/2005 and 9/21/2005)..... 2035

Detention facilities maintenance — Department of Public Utilities	
- Division of Water Pollution Control — per Ord. 810-05 — bid due September 23, 2005 (advertised 9/7/2005 and 9/14/2005).....	2035
Diagnostic equipment for Olympus BX-51 microscope — Department of Public Safety — Division of Fire — per Ord. 1086-04 — bid due October 6, 2005 (advertised 9/14/2005 and 9/21/2005).....	2035
Gardenview Hill and Grant Park site improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development - per Ord. 2151-03 — bid due September 28, 2005 (advertised 9/14/2005 and 9/21/2005)	2035
Glenville Waste Station renovations — Department of Public Service - Division of Architecture — per Ord. 2146-03 — bid due September 29, 2005 (advertised 9/7/2005 and 9/14/2005).....	2035
Hand tools and hand held power tools — Department of Finance — per Ord. 636-05 — bid due September 21, 2005 (advertised 9/7/2005 and 9/14/2005)	2034
Rockefeller Park new parks maintenance facility — Department of Public Service — Division of Architecture — per Ord. 2042-03 — bid due September 29, 2005 (advertised 9/7/2005 and 9/14/2005)	2035
Snow removal equipment, tow behind broom/blower units — Department of Public Service — per Ord. 829-05 — bid due October 7, 2005 (advertised 9/14/2005 and 9/21/2005).....	2035
Thurgood Marshall Ball Diamond improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development - per Ord. 2151-03 — bid due September 21, 2005 (advertised 9/7/2005 and 9/14/2005)	2034
Wireless audio / video system — Department of Public Safety - Division of Fire — per Ord. 1086-04 — bid due October 6, 2005 (advertised 9/14/2005 and 9/21/2005).....	2035

City Council

Codified Ordinances — Parts IV and VI supplements — update, print, index and bind — City Contract No. 60428 — West Services, Inc. (O 1671-05).....	2018
Iron Mountain Records Management — City Contract Nos. 62298 & 62354 — amendment (O 1670-05).....	2017
Jones, Joseph T. — Council Member Ward 1 — resignation letter (F 1630-05)	1977
Knight, James R. — oath of office — Council Member, Ward 1 (F 1697-05)	1978

City Planning Commission

Downtown Cleveland Improvement District — additional security — cleaning and maintenance — collective economic development and marketing (R 1387-05).....	2026
Lorain Ave. — between W. 73rd St. & W. 67th St. — change the Use Districts — Business District & Local Retail Business District (O 1657-05).....	2015
W. 9th St., Front Ave., W. 10th St., the Cuyahoga River & the CSX Railroad — change the zoning — amend Ord. 1162-05 (O 1662-05).....	2017

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Iron Mountain Records Management — City Contract Nos. 62298 & 62354 — amendment (O 1670-05).....	2017

Cleveland Municipal School District

Municipal public improvement tax increment equivalent fund — service payments — public improvements — compensation agreement (O 1645-05).....	1995
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Cleveland Public Power

Cleveland Public Power System Improvement First Mortgage Revenue Bonds — defeasance — Ord. No. 1886-02 (O 1526-05)	2026
Decorative and special lighting — repair and/or replace (O 1633-05)	1987
Paint street-side elements, including poles, vent pipes, and transformer boxes (O 1634-05).....	1987

Cleveland State University

Police services - agreement - within the City (O 1663-05)	2015
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Cleveland Theater District

Cleveland Theater District Development Corporation — Continue to exist — Revised Code Chapter 1702 (R 1667-05)	2020
Dissolution notice — Cleveland Theater District Development Corp. (F 1706-05).....	1978

Cleveland-Cuyahoga County Port Authority

Flats East Bank area — acquire and re-convey properties (O 1654-05)	2002
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General offenses — Part VI — amend various sections (O 1631-05)	1979

Communications

Acord Corporation — Certificate of Liability Insurance, Associated Estates Realty Corp; University (F 1702-05)	1978
Acord Corporation — Certificate of Liability Insurance, Robert P. Madison International, Inc. (F 1704-05)	1978
Case Western Reserve University — Case Magazine — Summer 2005 (F 1699-05)	1978
Case Western Reserve University — Case's Impact Report 2005 (F 1703-05)	1978
Center for Families and Children — 2004 Annual Report (F 1708-05).....	1978
Clear Channel Outdoor — Contact information of all billboards owned and operated (F 1705-05)	1978
Cleveland Theater District Development Corp. — notice of dissolution (F 1706-05)	1978
Cuyahoga Community College — Summer 2005 issue, Invest in People (F 1709-05)	1978
First Energy — Letter of Notification — Jennings-Clark 138 kV Transmission Line Relocation for the Quigley Road Connector Project (F 1698-05).....	1978
Governing magazine — July 2005 issue - State and Local Source Book 2005 (F 1707-05).....	1978
Jones, Joseph T. — Council Member Ward 1 — resignation letter (F 1630-05)	1977
Ohio Department of Transportation — Project No. 6017(05), Adelbert Road (F 1711-05).....	1978
University Circle Inc. — 2005 Events from July to September (F 1700-05)	1978
West 122nd Street Sewer Replacement. — Contract No. PI 63933 AB — Notice of Subsidiary Agreements — Public Utilities (F 1710-05).....	1978
YWCA of Greater Cleveland — Summer 2005 issue, Our Voice eliminating racism, empowering women (F 1701-05)	1978

Community Development

Burten, Bell, Carr Development, Inc. — Land Reutilization Program — scattered sites (Ward 5) (O 1648-05).....	1998
Cleveland-Cuyahoga County Port Authority — acquire and re-convey properties — Flats East Bank area (O 1654-05)	2002
Demolition and Board-Up programs — Madonna Hall — amend Ord. 653-05 (O 1672-05).....	2018

E. 70th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 1647-05).....	1998
E. 83rd St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1643-05).....	1994
Flats East Bank Plan Area — Action Area within the Plan — Flats East Bank Community Development Plan (O 1644-05)	1995
Gibson Ave. — Land Reutilization Program — James J. Van Bergen (O 1649-05)	2001
Hurricane Katrina evacuees — contracts — provide financial assistance —relocation — reimbursement from State (O 1696-05)	2019
Municipal public improvement tax increment equivalent fund — service payments — public improvements — Cleveland Municipal School District — compensation agreement (O 1645-05).....	1995
Orlando Banking Company — agreement — exchange of real properties (O 1642-05)	1991
Quincy Ave. & E. 61 St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 1646-05)	1997
St. Michael's Hospital site — Nurses Building and the Main Hospital Building — demolition and environmental remediation (O 1664-05).....	2017
Urban Redevelopment Tax Increment Equivalent Fund — improvements — public purpose — payments in lieu of taxes (O 1655-05)	2003

Condolences

Austin, Beverly (R 1750-05)	1979
Conway, John (R 1747-05).....	1979
Hodge, Christopher Wayne (R 1748-05)	1979
Jones, Mildred Louise (R 1744-05)	1979
Krasen, Rev. John W. (R 1746-05).....	1979
Lee, Clifton Malachi (R 1752-05).....	1979
Patterson-Solomon, Katie Louise (R 1753-05)	1979
Snyder, Sr., Pastor Benjamin (R 1749-05).....	1979
Spragin, Woodie B. (R 1745-05).....	1979
Wallard, Judy (R 1751-05)	1979

Congratulations

Arbor Park Celebration Day (R 1759-05).....	1979
Avsec, Sister Mary (R 1765-05)	1979
Boehnlein, Ronald and Sally (R 1756-05).....	1979
Buckeye Area Development Corporation (R 1758-05)	1979
Burnett, Noble London N. (R 1755-05).....	1979
Duffy, Sister Eileen (R 1764-05)	1979
Jasper, Judge Mabel (R 1754-05)	1979
Kilbane, Sister Ann (R 1762-05)	1979
Koch, Sister Audrey (R 1763-05).....	1979
Raymor, Willard (R 1757-05)	1979
Urban Community School (R 1761-05)	1979
Whitehead, Esq., David W. (R 1760-05)	1979

Contracts

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Fiber optic cable between the Third District Police Station & 205 St. Clair Ave. — install — amend Ord. 1257-04 — American Fiber Systems, Inc. — amend Contract No. 63727 (O 1495-05)	2026
Hahn Manufacturing Company — redevelop the property — 4100 Hamilton Ave. (O 1651-05).....	2001

Iron Mountain Records Management — City Contract Nos. 62298 & 62354 — amendment (O 1670-05).....	2017
St. Michael's Hospital site — Nurses Building and the Main Hospital Building — demolition and environmental remediation (O 1664-05).....	2017
County Auditor	
Advances request — year 2006 (R 1658-05).....	2016
County Commissioners	
Berea Rd. — rehabilitation — payment (O 1635-05).....	1988
Cuyahoga Community College	
Summer 2005 issue, Invest in People (F 1709-05)	1978
Dominion East Ohio	
Rockefeller Park (northwest corner) — easement rights (O 1641-05)	1990
Economic Development Department	
Blue Seas Restaurant — agreement — Blue Seas Restaurant Development Project — Ward 5 NEF (O 1680-05)	2019
Cleveland Enterprise Park — sell City-owned property — Project and Construction Services, Inc. (O 1650-05)	2001
Cleveland-Cuyahoga County Port Authority — acquire and re-convey properties — Flats East Bank area (O 1654-05)	2002
E. 185th St. & Neff Rd. — blighted premises — appropriate property — redevelopment (O 1652-05)	2002
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Hahn Manufacturing Company — contract — redevelop the property — 4100 Hamilton Ave. (O 1651-05).....	2001
Municipal public improvement tax increment equivalent fund — service payments — public improvements — Cleveland Municipal School District — compensation agreement (O 1645-05).....	1995
National Acme Building — 170 E. 131st St. — Clean Ohio Revitalization grant application — support — Acme Realty LLC. — loan application (R 1678-05).....	2016
Tax Incentive Review Council's Year 2004 recommendations. — Approving (O 1653-05).....	2002
Urban Redevelopment Tax Increment Equivalent Fund — improvements — public purpose — payments in lieu of taxes (O 1655-05)	2003
Finance Department	
Cleveland Public Power System Improvement First Mortgage Revenue Bonds — defeasance — Ord. No. 1886-02 (O 1526-05)	2026
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Mail system — amend Ord. 809-05 — Division of Printing and Reproduction (O 1632-05).....	1987
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LIFEPAK 500 AEDs — forty-five biphasic — upgrade — contracts — Medtronics Physio-Control Corp. (O 1639-05).....	1990

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Cleveland-Cuyahoga County Port Authority — acquire and re-convey properties	
— Flats East Bank area (O 1654-05)	2002
Flats East Bank Plan Area — Action Area within the Plan —	
Flats East Bank Community Development Plan (O 1644-05)	1995
Municipal public improvement tax increment equivalent fund — service payments — public improvements — Cleveland Municipal School District — compensation agreement (O 1645-05).....	1995
Urban Redevelopment Tax Increment Equivalent Fund — improvements — public purpose — payments in lieu of taxes (O 1655-05)	2003
W. 9th St., Front Ave., W. 10th St., the Cuyahoga River & the CSX Railroad — change the zoning — amend Ord. 1162-05 (O 1662-05).....	2017

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District One Public Works Integrating Committee — apply for state funding — infrastructure capital improvements projects — general obligation bonds — road and bridge improvements (O 1636-05).....	1989
Hurricane Katrina evacuees — contracts — provide financial assistance —relocation — reimbursement from State (O 1696-05)	2019
St. Michael's Hospital site — Nurses Building and the Main Hospital Building — demolition and environmental remediation (O 1664-05).....	2017

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St. Michael's Hospital site — Nurses Building and the Main Hospital Building — demolition and environmental remediation (O 1664-05).....	2017
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Land Bank Reutilization Program

Burten, Bell, Carr Development, Inc. — scattered sites (Ward 5) (O 1648-05)	1998
E. 70th St. — Burten, Bell, Carr Development, Inc. (O 1647-05).....	1998
E. 83rd St. — Fairfax Renaissance Development Corporation (O 1643-05)	1994
Gibson Ave. — James J. Van Bergen (O 1649-05).....	2001
Quincy Ave. & E. 61 St. — Burten, Bell, Carr Development, Inc. (O 1646-05).....	1997

Liquor Permits

Brookpark Rd., 2180 — objection — withdraw (Ward 16) (R 1691-05)	2024
Carnegie Ave., 1022 & 1100 & E. Ninth St., 2419 — transfer (Ward 13) (F 1724-05).....	1978
Clark Ave., 5110 — objection (Ward 17) (R 1692-05).....	2025
Clark Ave., 5601 — objection (Ward 17) (R 1695-05).....	2026
Clark Ave., 5601 — transfer (Ward 17) (F 1713-05).....	1978
Detroit Ave., 2920 — transfer (Ward 13) (F 1717-05)	1978
Dollof Rd., 5351-53 — objection — withdraw (Ward 5) (R 1690-05)	2024
Dudley Ave., 7520 — objection — withdraw (Ward 17) (R 1694-05).....	2025
E. 107th St., 1890 — transfer (Ward 6) (F 1725-05).....	1978
E. 140th St., 625 — objection (Ward 10) (R 1687-05).....	2023
E. 140th St., 625 — transfer (Ward 10) (F 1722-05).....	1978
E. 71st St., 3869 — new (Ward 12) (F 1712-05).....	1978
E. 71st St., 3869 — objection (Ward 12) (R 1684-05)	2022
E. Fourth St., 2082 & Prospect Ave., 323 — transfer (Ward 13) (F 1721-05).....	1978
Euclid Ave., 11313 — objection — withdraw (Ward 9) (R 1689-05)	2024
Euclid Ave., 1228 — transfer (Ward 13) (F 1723-05).....	1978
Euclid Ave., 18029 — objection (Ward 10) (R 1688-05).....	2024
Euclid Ave., 18029 — transfer (Ward 10) (F 1720-05).....	1978
Fleet Ave., 5509 — objection (Ward 12) (R 1685-05).....	2023

Fleet Ave., 5509 — transfer (Ward 12) (F 1727-05).....	1978
Herman Ave., 6601 — transfer (Ward 17) (F 1716-05)	1978
Old River Rd., 1187 — transfer (Ward 13) (F 1718-05).....	1978
Pearl Rd., 3753 — transfer (Ward 15) (F 1728-05).....	1978
Prospect Ave., 618 — transfer (Ward 13) (F 1726-05).....	1978
Scranton Rd., 3179 — transfer (Ward 14) (F 1715-05).....	1978
Storer Ave., 5404 — objection (Ward 17) (R 1693-05)	2025
Storer Ave., 5404 — transfer (Ward 17) (F 1719-05)	1978
Superior Ave., 6029 — objection — withdraw (Ward 13) (R 1686-05)	2023
Woodland Ave., 8800 — transfer (Ward 4) (F 1714-05).....	1978

Living Wage

Compensation — various classifications — amend Ord. 384-03 (O 1656-05).....	2004
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Mayor's Office

Hochadel, Amy M. — oath of office — Executive Assistant to the Mayor (F 1740-05)	1979
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Neighborhood Equity Funds

Blue Seas Restaurant — agreement — Blue Seas Restaurant Development Project — Ward 5 (O 1680-05).....	2019
Cleveland Public Art, Inc. — agreement — West 28th Street Bridge Mural Project — Ward 13 (O 1679-05).....	2019

Oath of Office

Hochadel, Amy M. — Executive Assistant to the Mayor (F 1740-05).....	1979
Knight, James R. — Council Member, Ward 1 (F 1697-05).....	1978
Matejka, Dennis — President of the Board of Revision of Assessments (F 1741-05)	1979
Schaltenbrand, Rebecca — member of the Board of Revision of Assessments (F 1742-05).....	1979
Schneider, Alan — member of the Board of Revision of Assessments (F 1743-05)	1979

Ohio Department of Transportation (ODOT)

Adalbert Road, Project No. 6017(05) (F 1711-05).....	1978
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Ohio General Assembly

Excessive pricing of prescription drugs — violation of State law — enact legislation (R 1677-05)	2021
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Parks, Recreation and Properties Department

Cleveland Lakefront Bikeway Improvements — Phase II — Contract No. 59537 — Parks, Recreation and Properties (F 1734-05).....	1979
Dominion East Ohio Gas — easement rights — Rockefeller Park (northwest corner) (O 1641-05).....	1990
Duggan Park Site Improvements — Contract No. 63515 — Parks, Recreation and Properties (F 1738-05)	1979
Humphrey Park Site Improvements — Contract No. 63542 — Parks, Recreation and Properties (F 1735-05)	1979
Estabrook Park Site Improvements — Contract No. 64083 — Parks, Recreation and Properties (F 1736-05)	1979
Glenville Recreation and Center Playground Improvements — Contract No. 62764 — Parks, Recreation and Properties (F 1733-05).....	1979
Luke Easter Park Playground Improvements — Contract No. 64132 — Parks, Recreation and Properties (F 1737-05)	1979

McGowan Park Site Improvements — Contract No. 64317 — Parks, Recreation and Properties (F 1739-05)	1979
Orlando Banking Company — agreement — exchange of real properties (O 1642-05)	1991
Parks, Recreation and Properties — Contract No. 64049, Loew Park Site Improvements (F 1732-05)	1979
Salvation Army — lease or sale of certain property — community center — amend Ord. 1121-05 (O 1640-05)	1990

Permits

America's Walk for Diabetes — American Diabetes Association (O 1673-05)	2018
Cleveland Health Museum — 7 temporary directional signs (O 1637-05).....	1989

Personnel Department

Compensation — various classifications — amend Ord. 384-03 (O 1656-05).....	2004
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Printing and Reproduction Division

Mail system — amend Ord. 809-05 (O 1632-05).....	1987
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Purchases and Supplies Division

Cleveland Enterprise Park — sell City-owned property — Project and Construction Services, Inc. (O 1650-05)	2001
Cleveland-Cuyahoga County Port Authority — acquire and re-convey properties — Flats East Bank area (O 1654-05)	2002
Orlando Banking Company — agreement — exchange of real properties (O 1642-05)	1991

Recognition

Cleveland Opera SCORE (R 1768-05).....	1979
El Hasa Temple No. 28 (R 1766-05).....	1979
Gildenmeister, Richard (R 1770-05)	1979
Johnson, Bryan (R 1769-05)	1979
National Alcohol and Drug Addiction Recovery Month (R 1767-05)	1979
Snell, Rev. Gwendolyn H. (R 1771-05).....	1979
Unity Week - One World Day (R 1772-05)	1979

Resignations

Jones, Joseph T. — Council Member Ward 1 (F 1630-05)	1977
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Resolutions - Miscellaneous

Cleveland Theater District Development Corporation — continue to exist — Revised Code Chapter 1702 (R 1667-05)	2020
Excessive pricing of prescription drugs — violation of State law — Ohio General Assembly — enact legislation (R 1677-05)	2021
Ohio's election laws — Issues 2, 3, 4, and 5 — support (R 1683-05)	2022
Senate Bill 13 — Council's support — prohibiting tax money to go toward outsourcing of Ohio jobs (R 1676-05).....	2021
State Issue 1 — — issuance of general obligations — finance local government public infrastructure capital improvements — Council's support (R 1682-05).....	2022
State Issue 1 — Council's support (R 1665-05).....	2020

Right-of-Way

Cleveland Health Museum — permit — 7 temporary directional signs (O 1637-05).....	1989
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Safety Department

LIFEPAK 500 AEDs — forty-five biphasic — upgrade — contracts — Medtronics Physio-Control Corp. (O 1639-05).....	1990
Police services - agreement — CSU - within the City (O 1663-05).....	2015

Salaries

Compensation — various classifications — amend Ord. 384-03 (O 1656-05).....	2004
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Salvation Army

Community center — lease or sale of certain property — amend Ord. 1121-05 (O 1640-05)	1990
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Senate Bills

Senate Bill 13 — Council's support — prohibiting tax money to go toward outsourcing of Ohio jobs (R 1676-05).....	2021
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Service Department

America's Walk for Diabetes — permit — American Diabetes Association (O 1673-05).....	2018
Berea Rd. — rehabilitation — Cuyahoga County Commissioners — payment (O 1635-05).....	1988
Cleveland Health Museum — permit — 7 temporary directional signs (O 1637-05).....	1989
Cleveland Public Art, Inc. — agreement — West 28th Street Bridge Mural Project — Ward 13 NEF (O 1679-05).....	2019
Coral Company, The — banners — celebration of Shaker Square (O 1674-05)	2018
District One Public Works Integrating Committee — apply for state funding — infrastructure capital improvements projects — general obligation bonds — road and bridge improvements (O 1636-05).....	1989
Downtown Cleveland Improvement District — additional security — cleaning and maintenance — collective economic development and marketing (R 1387-05).....	2026
E. 105th St. — City bridge No. 4:017M — highway and bridge improvement — appropriate property (O 1661-05).....	2016
Geotechnical testing and consulting services — professional consultants (O 1638-05)	1990
Holmden Court S.W. — intention to vacate (R 1668-05).....	2020
Play House Plaza — designating — E. 83rd St., Euclid Ave., Carnegie Ave. (R 1666-05)	2020
Spanish American Committee — banner — Summer Latino Unity Festival (O 1675-05).....	2019
Stimson Court S.W. — intention to vacate (R 1660-05).....	2016
Webster Court N.E. — intention to vacate (R 1659-05).....	2016

Signs

Cleveland Health Museum — permit — 7 temporary directional signs (O 1637-05).....	1989
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Spanish American Committee

Summer Latino Unity Festival — banner (O 1675-05)	2019
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State Funds

District One Public Works Integrating Committee — apply for state funding — infrastructure capital improvements projects — general obligation bonds — road and bridge improvements (O 1636-05).....	1989
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Statement of Work Acceptance

Cleveland Lakefront Bikeway Improvements — Phase II — Contract No. 59537 — Parks, Recreation and Properties (F 1734-05)	1979
Duggan Park Site Improvements — Contract No. 63515 — Parks, Recreation and Properties (F 1738-05)	1979
Estabrook Park Site Improvements — Contract No. 64083 — Parks, Recreation and Properties (F 1736-05)	1979
Glenville Recreation and Center Playground Improvements — Contract No. 62764 — Parks, Recreation and Properties (F 1733-05)	1979
Humphrey Park Site Improvements — Contract No. 63542 — Parks, Recreation and Properties (F 1735-05)	1979
Independence Excavating, Inc. — Contract No. 62563A — Public Utilities (F 1731-05)	1978
Luke Easter Park Playground Improvements — Contract No. 64132 — Parks, Recreation and Properties (F 1737-05)	1979
McGowan Park Site Improvements — Contract No. 64317 — Parks, Recreation and Properties (F 1739-05)	1979
Parks, Recreation and Properties — Contract No. 64049, Loew Park Site Improvements (F 1732-05)	1979
Utilicon Corporation, Cleaning and Lining 2004-Area A — Contract No. 62831 — Public Utilities (F 1729-05)	1978
Water Main Repair Special Phase 1A, Fabrizi — Contract No. 61919A — Public Utilities (F 1730-05)	1978

Street Vacation

Holmden Court S.W. — intention to vacate (R 1668-05)	2020
Stimson Court S.W. — intention to vacate (R 1660-05)	2016
Webster Court N.E. — intention to vacate (R 1659-05)	2016

University Circle

University Circle Inc. — 2005 Events from July to September (F 1700-05)	1978
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Utilities Department

Cleveland Public Power System Improvement First Mortgage Revenue Bonds — defeasance — Ord. No. 1886-02 (O 1526-05)	2026
Decorative and special lighting — repair and/or replace — Cleveland Public Power (O 1633-05)	1987
Independence Excavating, Inc. — Contract No. 62563A — Public Utilities (F 1731-05)	1978
Paint street-side elements, including poles, vent pipes, and transformer boxes — Cleveland Public Power (O 1634-05)	1987
Utilicon Corporation, Cleaning and Lining 2004-Area A — Contract No. 62831 — Public Utilities (F 1729-05)	1978
Water Main Repair Special Phase 1A, Fabrizi — Contract No. 61919A — Public Utilities (F 1730-05)	1978
West 122nd Street Sewer Replacement. — Contract No. PI 63933 AB — Notice of Subsidiary Agreements — Public Utilities (F 1710-05)	1978

Ward 01

Jones, Joseph T. — Council Member — resignation letter (F 1630-05)	1977
Knight, James R. — oath of office — Council Member (F 1697-05)	1978

Ward 02

Cleveland Opera SCORE — recognition (R 1768-05)	1979
Galupe-Borszkh, Madame Vera — welcome (R 1776-05)	1979

La Gran Scena Opera Company — welcome (R 1775-05)	1979
Patterson-Solomon, Katie Louise — condolence (R 1753-05)	1979

Ward 03

Gibson Ave. — Land Reutilization Program — James J. Van Bergen (O 1649-05)	2001
Lee, Clifton Malachi — condolence (R 1752-05)	1979

Ward 04

Buckeye Area Development Corporation — congratulation (R 1758-05)	1979
Coral Company, The — banners — celebration of Shaker Square (O 1674-05)	2018
Herod, Justin — appreciation (R 1774-05)	1979
Hodge, Christopher Wayne — condolence (R 1748-05)	1979
Johnson, Bryan — recognition (R 1769-05)	1979
Woodland Ave., 8800 — transfer — liquor permit (F 1714-05)	1978

Ward 05

Blue Seas Restaurant — agreement — Blue Seas Restaurant Development Project — NEF (O 1680-05)	2019
Burnett, Noble London N. — congratulation (R 1755-05)	1979
Burten, Bell, Carr Development, Inc. — Land Reutilization Program — scattered sites (O 1648-05)	1998
Cleveland Opera SCORE — recognition (R 1768-05)	1979
District One Public Works Integrating Committee — apply for state funding — infrastructure capital improvements projects — general obligation bonds — road and bridge improvements (O 1636-05)	1989
Dollof Rd., 5351-53 — objection — withdraw — liquor permit (R 1690-05)	2024
E. 70th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 1647-05)	1998
El Hasa Temple No. 28 — recognition (R 1766-05)	1979
Galupe-Borszkh, Madame Vera — welcome (R 1776-05)	1979
Jasper, Judge Mabel — congratulation (R 1754-05)	1979
Jones, Mildred Louise — condolence (R 1744-05)	1979
La Gran Scena Opera Company — welcome (R 1775-05)	1979
National Alcohol and Drug Addiction Recovery Month — recognition (R 1767-05)	1979
Quincy Ave. & E. 61 St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 1646-05)	1997
Spragin, Woodie B. — condolence (R 1745-05)	1979
St. Michael's Hospital site — Nurses Building and the Main Hospital Building — demolition and environmental remediation (O 1664-05)	2017

Ward 06

Buckeye Area Development Corporation — congratulation (R 1758-05)	1979
Cleveland Health Museum — permit — 7 temporary directional signs (O 1637-05)	1989
Cleveland Opera SCORE — recognition (R 1768-05)	1979
E. 105th St. — City bridge No. 4:017M — highway and bridge improvement — appropriate property (O 1661-05)	2016
E. 107th St., 1890 — transfer — liquor permit (F 1725-05)	1978
E. 83rd St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1643-05)	1994
Galupe-Borszkh, Madame Vera — welcome (R 1776-05)	1979
La Gran Scena Opera Company — welcome (R 1775-05)	1979
Play House Plaza — designating — E. 83rd St., Euclid Ave., Carnegie Ave. (R 1666-05)	2020

Ward 07

Austin, Beverly — condolence (R 1750-05)	1979
Cleveland Opera SCORE — recognition (R 1768-05).....	1979
Demolition and Board-Up programs — Madonna Hall — amend Ord. 653-05 (O 1672-05).....	2018
Galupe-Borszkh, Madame Vera — welcome (R 1776-05)	1979
La Gran Scena Opera Company — welcome (R 1775-05)	1979
Snyder, Sr., Pastor Benjamin — condolence (R 1749-05).....	1979

Ward 08

Arbor Park Celebration Day — congratulation (R 1759-05).....	1979
Dominion East Ohio Gas — easement rights — Rockefeller Park (northwest corner) (O 1641-05).....	1990
National Acme Building — 170 E. 131st St. — Clean Ohio Revitalization grant application — support — Acme Realty LLC. — loan application (R 1678-05).....	2016
Salvation Army — lease or sale of certain property — community center — amend Ord. 1121-05 (O 1640-05)	1990
Unity Week - One World Day — recognition (R 1772-05)	1979

Ward 09

Euclid Ave., 11313 — objection — withdraw — liquor permit (R 1689-05).....	2024
Goldsmith, Julia — appreciation (R 1773-05)	1979
Snell, Rev. Gwendolyn H. — recognition (R 1771-05)	1979

Ward 10

E. 140th St., 625 — objection — liquor permit (R 1687-05)	2023
E. 140th St., 625 — transfer — liquor permit (F 1722-05)	1978
Euclid Ave., 18029 — objection — liquor permit (R 1688-05)	2024
Euclid Ave., 18029 — transfer — liquor permit (F 1720-05)	1978

Ward 11

E. 185th St. & Neff Rd. — blighted premises — appropriate property — redevelopment (O 1652-05)	2002
E. 185th St. & Neff Rd. — intention to appropriate — redevelopment and/or rehabilitation (R 1669-05).....	2021
Wallard, Judy — condolence (R 1751-05).....	1979
Whitehead, Esq., David W. — congratulation (R 1760-05).....	1979

Ward 12

Boehnlein, Ronald and Sally — congratulation (R 1756-05).....	1979
District One Public Works Integrating Committee — apply for state funding — infrastructure capital improvements projects — general obligation bonds — road and bridge improvements (O 1636-05).....	1989
E. 71st St., 3869 — new — liquor permit (F 1712-05)	1978
E. 71st St., 3869 — objection — liquor permit (R 1684-05).....	2022
Fleet Ave., 5509 — objection — liquor permit (R 1685-05).....	2023
Fleet Ave., 5509 — transfer — liquor permit (F 1727-05).....	1978

Ward 13

Avsec, Sister Mary — congratulation (R 1765-05).....	1979
Carnegie Ave., 1022 & 1100 & E. Ninth St., 2419 — transfer — liquor permit (F 1724-05)	1978

Cleveland Public Art, Inc. — agreement — West 28th Street Bridge Mural Project — Ward
13 NEF (O 1679-05).....2019

Cleveland-Cuyahoga County Port Authority — acquire and re-convey properties
— Flats East Bank area (O 1654-05).....2002

Detroit Ave., 2920 — transfer — liquor permit (F 1717-05).....1978

Downtown Cleveland Improvement District — additional security — cleaning and
maintenance — collective economic development and marketing (R 1387-05).....2026

E. Fourth St., 2082 & Prospect Ave., 323 — transfer — liquor permit (Ward 13)
(F 1721-05)1978

Euclid Ave., 1228 — transfer — liquor permit (F 1723-05)1978

Flats East Bank Plan Area — Action Area within the Plan —
Flats East Bank Community Development Plan (O 1644-05)1995

Gildenmeister, Richard — recognition (R 1770-05)1979

Hahn Manufacturing Company — contract — redevelop the property — 4100 Hamilton Ave.
(O 1651-05).....2001

Holmden Court S.W. — intention to vacate (R 1668-05).....2020

Municipal public improvement tax increment equivalent fund — service payments — public
improvements — Cleveland Municipal School District — compensation agreement
(O 1645-05).....1995

Old River Rd., 1187 — transfer — liquor permit (F 1718-05)1978

Prospect Ave., 618 — transfer — liquor permit (F 1726-05)1978

Superior Ave., 6029 — objection — withdraw — liquor permit (R 1686-05)2023

Urban Redevelopment Tax Increment Equivalent Fund — improvements — public purpose —
payments in lieu of taxes (O 1655-05)2003

W. 9th St., Front Ave., W. 10th St., the Cuyahoga River & the CSX Railroad — change the
zoning — amend Ord. 1162-05 (O 1662-05).....2017

Webster Court N.E. — intention to vacate (R 1659-05).....2016

Ward 14

Scranton Rd., 3179 — transfer — liquor permit (F 1715-05)1978

Ward 15

Pearl Rd., 3753 — transfer — liquor permit (F 1728-05)1978

Stimson Court S.W. — intention to vacate (R 1660-05).....2016

Ward 16

Brookpark Rd., 2180 — objection — withdraw — liquor permit (R 1691-05).....2024

Ward 17

Clark Ave., 5110 — objection — liquor permit (R 1692-05)2025

Clark Ave., 5601 — objection — liquor permit (R 1695-05)2026

Clark Ave., 5601 — transfer — liquor permit (F 1713-05)1978

District One Public Works Integrating Committee — apply for state funding —
infrastructure capital improvements projects — general obligation bonds — road and
bridge improvements (O 1636-05).....1989

Dudley Ave., 7520 — objection — withdraw — liquor permit (R 1694-05)2025

Duffy, Sister Eileen — congratulation (R 1764-05).....1979

Herman Ave., 6601 — transfer — liquor permit (F 1716-05)1978

Kilbane, Sister Ann — congratulation (R 1762-05).....1979

Koch, Sister Audrey — congratulation (R 1763-05)1979

Lorain Ave. — between W. 73rd St. & W. 67th St. — change the Use Districts — Business
District & Local Retail Business District (O 1657-05).....2015

Spanish American Committee — banner — Summer Latino Unity Festival (O 1675-05).....2019

Storer Ave., 5404 — objection — liquor permit (R 1693-05).....2025

Storer Ave., 5404 — transfer — liquor permit (F 1719-05).....	1978
Urban Community School — congratulation (R 1761-05).....	1979

Ward 18

Krasen, Rev. John W. — condolence (R 1746-05).....	1979
Raymor, Willard — congratulation (R 1757-05).....	1979

Ward 19

Conway, John — condolence (R 1747-05).....	1979
District One Public Works Integrating Committee — apply for state funding — infrastructure capital improvements projects — general obligation bonds — road and bridge improvements (O 1636-05).....	1989
Krasen, Rev. John W. — condolence (R 1746-05).....	1979
Raymor, Willard — congratulation (R 1757-05).....	1979

Ward 20

Berea Rd. — rehabilitation — Cuyahoga County Commissioners — payment (O 1635-05).....	1988
Cleveland Opera SCORE — recognition (R 1768-05).....	1979
Galupe-Borszkh, Madame Vera — welcome (R 1776-05).....	1979
La Gran Scena Opera Company — welcome (R 1775-05).....	1979

Welcome

Galupe-Borszkh, Madame Vera (R 1776-05).....	1979
La Gran Scena Opera Company (R 1775-05).....	1979

YWCA

YWCA of Greater Cleveland — Summer 2005 issue, Our Voice eliminating racism, empowering women (F 1701-05).....	1978
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Zoning

Lorain Ave. — between W. 73rd St. & W. 67th St. — change the Use Districts — Business District & Local Retail Business District (O 1657-05).....	2015
W. 9th St., Front Ave., W. 10th St., the Cuyahoga River & the CSX Railroad — change the zoning — amend Ord. 1162-05 (O 1662-05).....	2017