

The City Record

Official Publication of the Council of the City of Cleveland



February the Fourth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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Containing	PAGE
City Council	3
The Calendar	18
Board of Control	18
Civil Service	19
Board of Zoning Appeals	19
Board of Building Standards and Building Appeals	21
Public Notice	22
Public Hearings	22
City of Cleveland Bids	22
Adopted Resolutions and Ordinances	23
Committee Meetings	37
Index	37

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – Darnell Brown, 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 Weibusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

DEPT. OF COMMUNITY DEVELOPMENT – Linda M. Hudecek, 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 – Steven Sims, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, Eugene Cranford, Jr., Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, FEBRUARY 4, 2004

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CITY COUNCIL

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The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 2, 2004

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

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

Also present were Mayor Campbell, Chief of Staff Janik and Executive Assistant Brown, Directors Chandra, Chief Counsel Beasley, Baker, Konicek, Mok, Ricchiuto, Carroll, Watson, N. Ronayne, Williams, Routen, Fumich, Taylor, Johnson, and C. Ronayne, and Margaret Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Mukhtar Shaheed of Mosque Al-Mumin, located at 2090 Martin Luther King, Jr. Drive, Cleveland, Ohio 44104 in Ward 6. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 180-04.

Re: New Application — 4118409 — Ibal, Inc., 2603 Woodhill Avenue. (Ward 6). Received.

File No. 181-04.

Re: New Application — 1069961 — Buckeye Bar, Inc., 12302 Buckeye Road. (Ward 4). Received.

File No. 182-04.

Re: Transfer of Ownership Application — 0092793 — Amer Alahmad, d.b.a. Open Pantry, 7901 Harvard Avenue. (Ward 2). Received.

File No. 183-04.

Re: Transfer of Ownership Location — 3467250 — H. I. H. Tavern, Inc., 756 1/2 E. 200th Street. (Ward 11). Received.

File No. 184-04.

Re: Transfer of Ownership and Location Application — 1069961 — Buckeye Bar, Inc., 12302 Buckeye Road. (Ward 4). Received.

File No. 185-04.

Re: Transfer of Ownership and Location Application — 5339085 — Lucky Boy LLC, d.b.a. Tutto Giorno, 2181 Murray Hill. (Ward 6). Received.

File No. 186-04.

Re: Stock Transfer Application — 94427530005 — Way John, Inc., d.b.a. Danny Boy Tavern, 14527-29 Puritas Avenue. (Ward 20). Received.

OATH OF OFFICE

File No. 187-04.

David M. McGuirk — Oath of Office — Secretary to the Director of Public Utilities. Received.

File No. 188-04.

Galen L. Schuerlein — Oath of Office — Executive Assistant to the Mayor. Received.

File No. 189-04.

Darnell Brown — Oath of Office — Executive Assistant to the Mayor. Received.

File No. 190-04.

Teresa Beasley — Oath of Office — Chief Counsel. Received.

PLATS

File No. 191-04.

Subdivision Plat for Villas of Woodhaven Phase 2. (Ward 6). Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 192-04—Roberto Ocasio.

Res. No. 193-04—Elder Donnell L. Lipford.

Res. No. 194-04 — Felicia Yvonne Griffin.

Res. No. 195-04—Louise W. Crane.

Res. No. 196-04—Luther C. Malone, Sr.

Res. No. 197-04—Hester E. Shoto.

Res. No. 198-04—Roque Crespo.

CONGRATULATION RESOLUTION

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

Res. No. 199-04—James A. Draper.

RECOGNITION RESOLUTION

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

Res. No. 200-04—Joseph A. Calabrese.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 157-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Arbor Park Place, LLC, to encroach into the public right-of-way of East 40th Street as part of the redevelopment of the Longwood Plaza Shopping Center.

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 to Arbor Park Place LLC, 1956 West 25th Street, Suite 200, Cleveland, Ohio 44113 ("Permittee") to encroach nineteen feet (19') into the public right-of-way of East 40th Street, by means of additional parking spaces and a landscape buffer installed as part of the Longwood Plaza Shopping Center project. The permit shall be revocable at the will of Council and assignable by the Permittee with the written consent of the Director of Public Service. Permittee shall construct the structures permitted at the locations more fully described as follows:

Exhibit A - Longwood Plaza ENCROACHMENT AREA

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of East

40th Street (99 feet wide), being further bounded and described as follows:

Beginning at the intersection of the southerly line of Community College Avenue (60 feet wide), formerly known as Scovill Avenue, with the westerly line of East 40th Street;

Course 1: thence along the westerly line of East 40th Street, South 0°-02'-18" East, a distance of 360.00 feet;

Course 2: thence North 89°-57'-42" East, a distance of 19.00 feet;

Course 3: thence North 0°-02'-18" West, a distance of 341.00 feet;

Course 4: thence North 45°-02'-18" West, a distance of 26.87 feet to the place of beginning and containing 6,660 square feet of land according to a survey by the M Neff Design Group dated October 20, 2003. Be the same more or less but subject to all highways.

NOTE: Bearings shown hereon are to an assumed meridian and are used to denote angles only.

Section 2. That the additional parking spaces and the landscape buffer shall be placed in the public right-of-way as described above, and shall be constructed conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before constructing the encroachments.

Section 3. That the permit authorized by this ordinance shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from the permit.

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

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

Ord. No. 158-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ohio Savings Management to encroach into the public right-of-way of 515 Euclid Avenue to install shoring tiebacks for site excavation.

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 to Ohio Savings Management, 1801 East Ninth Street, Suite 1025, Cleveland, Ohio 44114 ("Permittee") to encroach into the public right-of-way of 515 Euclid Avenue

by means of shoring tiebacks installed as part of a site excavation. The permit shall be revocable at the will of Council and assignable by the Permittee with the written consent of the Director of Public Service. Permittee shall construct the structures permitted at the location more fully described as follows:

PROPOSED ENCROACHMENT AREA FOR TIEBACK CONSTRUCTION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, lying within the bounds of Euclid Avenue, 99 feet in width, and East 6th Street, 50 feet in width, in Original Two Acre Lot Nos. 91 and 92, bounded and described as follows:

Beginning on the northerly line of said Euclid Avenue at its intersection with the westerly line of said East 6th Street;

Course No. 1: thence North 9°-51'-26" West along said westerly line of East 6th Street, 109.94 feet to a point;

Course No. 2: thence North 80°-08'-34" East perpendicular to said westerly line of East 6th Street, 25.00 feet to a point in the center line thereof;

Course No. 3: thence South 9°-51'-26" East along said center line of East 6th Street, 134.93 feet to a point of intersection with a line drawn parallel with and distant 25.00 feet southerly by rectangular measurement from said northerly line of Euclid Avenue;

Course No. 4: thence South 80°-06'-53" West along said parallel line, 208.30 feet to a point;

Course No. 5: thence North 9°-53'-07" West perpendicular to said northerly line of Euclid Avenue, 25.00 feet to the southeasterly corner of land conveyed to the Arcade Company by deed dated April 24, 1978 and recorded in Volume 14691, Page 851 of Cuyahoga County Records;

Course No. 6: thence North 80°-06'-53" East along said northerly line of Euclid Avenue, 183.31 feet to the place of beginning, according to a survey by Garrett and Associates, Inc. Registered Engineers and Surveyors, updated in September 2003, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Section 2. That tiebacks shall be placed in the public right-of-way as described above, and shall be constructed conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before constructing the encroachments.

Section 3. That the permit authorized by this ordinance shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from the permit.

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

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

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

**Ord. No. 159-04.
By Council Members Conwell,
Sweeney, Cimperman and Jackson
(by departmental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Case Western Reserve University to encroach into the public right-of-way of East 115th and East 117th Streets to install electric, steam, and data lines and storm and sanitary sewers for the North Residential Village Phase I project.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit to Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio, 44106, ("Permittee") to encroach into the public right-of-way of East 115th and East 117th Streets by means of electric, steam, and data lines and storm and sanitary sewers installed as part of the North Residential Village Phase I project. The permit shall be revocable at the will of Council and assignable by the Permittee with the written consent of the Director of Public Service. Permittee shall construct the structures permitted at the locations more fully described as follows:

Legal Description Encroachment No. 1
November 17, 2003
File No. 12493-LD001

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot, No. 395 and is further bounded and described as follows:

Beginning in the Easterly right of way line of East 115th Street (50 feet wide) at the Southwesterly corner of Block "A" in the Map of Consolidation and Lot Split for Case Western Reserve University as shown by the recorded plat in Volume 325 of Maps, Page 20 of Cuyahoga County Records. Thence North 00°-29'-26" West, along said Easterly right of way line of East 115th Street, a distance of 32.00 feet to the principal place of beginning of the land herein described;

Course 1: Thence South 80°-16'-53" West, a distance of 50.66 feet to the Westerly right of way line of said East 115th Street;

Course 2: Thence North 00°-29'-26" West, along said Westerly right of way line of East 115th Street, a distance of 20.26 feet;

Course 3: Thence North 80°-16'-53" East, a distance of 50.66 feet to the Easterly right of way line of said East 115th Street;

Course 4: Thence South 00°-29'-26" East, along said Easterly right of way line of East 115th Street, a distance of 20.26 feet to the place of beginning and containing 0.0233 Acres (1,013 Square Feet) of land.

Be the same more or less but subject to all legal highways.

Description reviewed and approved by: Greg Esber of E&C Survey Section on January 28, 2004.

Legal Description Encroachment No. 2
November 17, 2003
File No. 12493-LD002

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot, No. 395 and is further bounded and described as follows:

Beginning in the Easterly right of way line of East 115th Street (50 feet wide) at the Southwesterly corner of Block "A" in the Map of Consolidation and Lot Split for Case Western Reserve University as shown by the recorded plat in Volume 325 of Maps, Page 20 of Cuyahoga County Records. Thence North 00°-29'-26" West, along said Easterly right of way line of East 115th Street, a distance of 159.46 feet to the principal place of beginning of the land herein described;

Course 1: Thence South 89°-30'-34" West, a distance of 50.00 feet to the Westerly right of way line of said East 115th Street;

Course 2: Thence North 00°-29'-26" West, along said Westerly right of way line of East 115th Street, a distance of 15.00 feet;

Course 3: Thence North 89°-30'-34" East, a distance of 50.00 feet to the Easterly right of way line of said East 115th Street;

Course 4: Thence South 00°-29'-26" East, along said Easterly right of way line of East 115th Street, a distance of 15.00 feet to the place of beginning and containing 0.0172 Acres (750 Square Feet) of land.

Be the same more or less but subject to all legal highways.

Description reviewed and approved by: Greg Esber of E&C Survey Section on January 28, 2004.

Legal Description Encroachment No. 3
November 17, 2003
File No. 12493-LD003

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot, No. 395 and is further bounded and described as follows:

Beginning in the Easterly right of way line of East 115th Street (50 feet wide) at the Southwesterly corner of Block "A" in the Map of Consolidation and Lot Split for Case Western Reserve University as shown by the recorded plat in Volume 325 of Maps, Page 20 of Cuyahoga County Records. Thence North 00°-29'-26" West, along said Easterly right of way line of East 115th Street, a distance of 235.58 feet to the principal place of beginning of the land herein described;

Course 1: Thence South 89°-30'-34" West, a distance of 50.00 feet to the Westerly right of way line of said East 115th Street;

Course 2: Thence North 00°-29'-26" West, along said Westerly right of way line of East 115th Street, a distance of 35.00 feet;

Course 3: Thence North 89°-30'-34" East, a distance of 50.00 feet to the Easterly right of way line of said East 115th Street;

Course 4: Thence South 00°-29'-26" East, along said Easterly right of way line of East 115th Street, a distance of 35.00 feet to the place of beginning and containing 0.0402 Acres (1,750 Square Feet) of land.

Be the same more or less but subject to all legal highways.

Description reviewed and approved by: Greg Esber of E&C Survey Section on January 28, 2004.

Legal Description Encroachment No. 4
November 17, 2003
File No. 12493-LD004

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot, No. 395 and is further bounded and described as follows:

Beginning in the Easterly right of way line of East 115th Street, 50 feet wide, at the Southwesterly corner of Block "A" in the Map of Consolidation and Lot Split for Case Western Reserve University as shown by the recorded plat in Volume 325 of Maps, Page 20 of Cuyahoga County Records. Thence North 00°-29'-26" West, along said Easterly right of way line of East 115th Street, a distance of 494.93 feet to the principal place of beginning of the land herein described;

Course 1: Thence South 89°-30'-34" West, a distance of 50.00 feet to the Westerly right of way line of said East 115 Street;

Course 2: Thence North 00°-29'-26" West, along said Westerly right of way line of East 115th Street, a distance of 20.00 feet;

Course 3: Thence North 89°-30'-34" East, a distance of 50.00 feet to the Easterly right of way line of said East 115th Street;

Course 4: Thence South 00°-29'-26" East, along said Easterly right of way line of East 115th Street, a distance of 20.00 feet to the place of beginning and containing 0.0230 Acres (1,000 Square Feet) of land.

Be the same more or less but subject to all legal highways.

Description reviewed and approved by: Greg Esber of E&C Survey Section on January 28, 2004.

Legal Description Encroachment No. 5
November 17, 2003
File No. 12493-LD005

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot, No. 395 and is further bounded and described as follows:

Beginning in the Northeasterly right of way line of East 117th Street (45 feet wide) at a Southeasterly corner of Block "A" in the Map of Consolidation and Lot Split for Case Western Reserve University as shown by the recorded plat in Volume 325, Page 20 of Cuyahoga County Records. Said corner also being the Southeasterly corner of East 117th Street as vacated by Ordinance No. 2680-89;

Course 1: Thence South 28°-18'-43" East, along said Easterly right of way line of East 117th Street, a distance of 44.69 feet;

Course 2: Thence South 61°-41'-17" West, a distance of 45.00 feet to the Southwesterly right of way line of said East 117th Street;

Course 3: Thence North 28°-18'-43" West, along said Southwesterly right of way line of East 117th Street, a distance of 44.69 feet to a Southwesterly corner of Block "A", as aforesaid;

Course 4: Thence North 61°-41'-17" East, along a Southeasterly line of said Block "A", a distance of 45.00 feet to the place of beginning and containing 0.0462 Acres (2,011 Square Feet) of land.

Be the same more or less but subject to all legal highways.

Description reviewed and approved by: Greg Esber of E&C Survey Section on January 28, 2004.

Section 2. That the electric, steam, and data lines, and the storm and sanitary sewers will be placed in the public right-of-way as described above, and will be constructed conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before constructing the encroachments.

Section 3. That the permit authorized by this ordinance shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against all loss which may result from the permit.

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

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

Ord. No. 160-04.
By Council Members O'Malley, Gordon, 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 at 7010-14 Memphis Avenue to Rysar Properties, Inc., or its designee.

Whereas, the Director of Community Development has requested the sale of the City-owned property to Rysar Properties, Inc., or its designee (the "Redeveloper") no longer needed for public use and located at 7010-14 Memphis Avenue; and

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

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

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

P. P. No. 013-11-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue, S.W., (86 feet wide), at the Southwesterly corner of Sublot No. 552 in The Ridge Road Land Company's Ridgeview Manor Subdivision of part of Original Brooklyn Township Lot No. 37, as shown by the recorded plat in Volume 79 of Maps, Page 1 Page Cuyahoga County Records, said place of beginning being also a Northeasterly corner of a parcel of land conveyed to the City of Cleveland by deed dated February 19, 1936, and recorded in Volume 4602, Page 141 of Cuyahoga County Records, for the purpose of widening Memphis Avenue, S.W.; thence Westerly along the Northerly line of said parcel so conveyed to the City of Cleveland, 50 feet; thence Northerly parallel with the Westerly line of said Sublot No. 552, 127.16 feet; thence Easterly parallel with the Northerly line of said parcel so conveyed to the City of Cleveland 50 feet to the Northwesterly corner of said Sublot No. 552; thence Southerly along the Westerly line of said Sublot No. 552, 127.16 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 013-11-159 (Easterly part)
(Parcel No. 1)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning at an iron monument on the Northerly line of Memphis Avenue, Southwest, 86 feet wide, distant Easterly along said Northerly line, 152 feet from the intersection with the Easterly line of West 73rd Street, 86 feet wide; thence from said point of beginning Easterly along said Northerly line of Memphis Avenue, S.W., 50 feet to an iron monument; thence Northerly parallel with said Easterly line of West 73rd Street, 127.16 feet to an iron monument; thence Westerly parallel with said Northerly line of Memphis Avenue, S.W., 50 feet; thence Southerly parallel with said Easterly line of West 73rd Street, 127.16 feet to the place of beginning, according to a survey dated July 31, 1940, by E.C. Hoffman, Registered Surveyor, be the same more or less, but subject to all legal highways.

P. P. No. 013-11-159 (Westerly part)
(Parcel No. 2)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue, S.W. (86 feet wide) at the Southeasterly corner of land conveyed to Andrew Skintek by deed dated October 21, 1953 and recorded in Volume 7883, Page 315 of Cuyahoga County Records; thence Easterly along the Northerly line of Memphis Avenue, S.W. 77 feet to the Southwesterly corner of Parcel No. 1 conveyed to Alex Fodor by deed dated March 29, 1954 and recorded in Volume 8031, Page 486 of Cuya-

hoga County Records; thence Northerly along the Westerly line of Parcel No. 1 so conveyed 127.16 feet; thence Westerly and parallel with the Northerly line of Memphis Avenue, S.W., 77 feet to an Easterly line of land so conveyed to Andrew Skintek as first aforesaid; thence Southerly along an Easterly line of land so conveyed, 127.16 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting therefrom, the following described premises, to wit: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue, S.W., 86 feet wide, at the Southeasterly corner of a parcel of land conveyed to Andrew Skintek by deed dated October 21, 1953 and recorded in Volume 7883, Page 315 of Cuyahoga County Records; thence Easterly 52.50 feet along the said Northerly line of Memphis Avenue, S.W. to a point; thence Northerly 127.16 feet parallel with the Easterly line of land as conveyed to Andrew Skintek to a point; thence Westerly 52.50 feet parallel with the said Northerly line of Memphis Avenue, S.W. to a point in the Easterly line of land conveyed to Andrew Skintek as aforesaid; thence Southerly 127.16 feet along the Easterly line of land so conveyed to Andrew Skintek to the place of beginning, be the same more or less, but subject to all legal highways.

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

Ord. No. 162-04.

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

An emergency ordinance to amend Section 1 of Ordinance No. 906-03, passed June 10, 2003, relating to the Director of Economic Development accepting a grant from the Ohio Department of Jobs and Family Services for the 2004 Workforce Investment Act grant and to enter into contracts to administer the programs under the grant.

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

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

Section 1. That Section 1 of Ordinance No. 906-03, passed June 10, 2003, is amended to read as follows:

Section 1. That the Director of Economic Development is authorized to accept a grant in the approximate amount of \$16,500,000.00, from the Ohio Department of Jobs and Family Services for the 2004 Workforce Investment Act grant for the delivery of allowable program services to eligible individuals. The Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant.

Grant Name	Fund	Amount
Youth Activities	16	\$6,500,000.00
Adult Employment and Training	16	\$6,000,000.00
Dislocated Worker Employment and Training	16	\$4,000,000.00

That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant.

Section 2. That Section 1 of Ordinance No. 906-03, passed June 10, 2003, is repealed.

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

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

Ord. No. 164-04.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cardinal Road to Beulah Baptist Church.

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

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

Whereas, this ordinance constitutes an emergency measure providing for 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). 115-08-078, as more fully described below, to Beulah Baptist Church.

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

P. P. No. 115-08-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 104 in W.F. Walworth's Subdivision of a part of Original Euclid Township Tract No. 16 as shown by the recorded plat in Volume 8 of Maps, Page 6 of Cuyahoga County Records

and being 40 feet front on the Southerly side of Cardinal Avenue, N.E., and extending back of equal width 140 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

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

Ord. No. 165-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 16326 Bryce Avenue to James A. Moore and Brenda Moore.

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). 143-01-108, as more fully described below, to James A. Moore and Brenda Moore.

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

P. P. No. 143-01-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 62 in Hart Goldberg Realty Company's Lee Center Subdivision of part of Original Warrensville Township Lot No. 91 as shown by the recorded plat in Volume 76 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Bryce Avenue, S.E. (formerly Brookfield Avenue) and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

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

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

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

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

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

Ord. No. 166-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 163rd Street to Cleveland Housing Network, Inc. or designee.

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

Whereas, real property acquired under the City's Land Reutilization

Program is acquired, held, administered and disposed 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). 141-07-088, as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 141-07-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 295 and 296 in the Sorrento Park Subdivision of part of Original Warrensville Township Lots Nos. 72 and 82, as shown by the recorded plat in Volume 15 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land having a frontage of 50 feet on the Westerly side of East 163rd Street and extending back of equal width, 125 feet deep, 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. 167-04.

By Council Member Rybka.

An emergency ordinance to appropriate property for the public purpose of extending Bessemer Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 2434-03, adopted January 26, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of extending Bessemer 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 extending Bessemer Avenue, the following described fee simple interests are appropriated:

Exhibit 'A'

PID 20329

**BESSEMER AVENUE EXTENSION
PARCEL 4-T1**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot No. 325, further bounded and described as follows:

Commencing at an iron pipe found in the centerline of East 65th Street (66 feet wide) at its intersection with the centerline of Bessemer Avenue (70 feet wide), said point being at East 65th Street centerline Station 10+00.00 as shown by the Bessemer Avenue Extension Plans dated January 14, 2003 on file at the City of Cleveland, Division of Engineering and Construction;

Thence North 01°-10'-44" West a distance of 186.94 feet to a point lying at East 65th Street centerline Station 11+86.94;

Thence South 88°-49'-16" West a distance of 33.00 feet to a point in the Easterly line of lands conveyed to Richard M. Berg and Douglas Link Properties by deed recorded in Volume 87-0841 - Page 31 of the Cuyahoga County Records and the principal place of beginning. Said point lying 33.00 feet left of East 65th Street Station 11+86.94;

Thence along the arc of a curve deflecting to the right and having an arc distance of 76.99 feet, a radius of 35.00 feet and chord bearing South 61°-50'-04" West, 62.38 feet to a point of reverse curvature lying 30.00 feet left of Bessemer Avenue centerline Station 98+34.34;

Thence along the arc of a curve deflecting to the left and having an arc distance of 247.16 feet, a radius of 412.00 feet and chord bearing North 72°-20'-17" West, 243.47 feet to a point of tangency lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence South 89°-31'-23" East a distance of 67.55 feet to a point of curvature;

Thence along the arc of a curve deflecting to the right and having an arc distance of 86.87 feet, a radius of 417.50 feet and chord bearing South 74°-15'-16" East, 86.71 feet to a point of tangency;

Thence South 66°-49'-47" East a distance of 54.85 feet to a point;

Thence South 58°-57'-39" East a distance of 54.03 feet to a point of curvature;

Thence along the arc of a curve deflecting to the left and having an arc distance of 51.41 feet, a radius of 30.86 feet and chord bearing North 50°-31'-46" East, 45.67 feet to a point;

Thence North 34°-19'-29" East a distance of 6.89 feet to a point lying 33.00 feet left of East 65th Street centerline Station 11+92.55;

Thence South 01°-10'-44" East a distance of 5.61 feet to the principal place of beginning and containing an area of 0.038 acres more or less but subject to all legal highways.

The above-described parcel is Auditor's Parcel Number 125-07-007.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.

Exhibit 'A'
PID 20329

BESSEMER AVENUE EXTENSION
PARCEL 4-WD

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot No. 325, further bounded and described as follows:

Commencing at an iron pipe found in the centerline of East 65th Street (66 feet wide) at its intersection with the centerline of Bessemer Avenue (70 feet wide), said point being at East 65th Street centerline Station 10+00.00 as shown by the Bessemer Avenue Extension Plans dated January 14, 2003 on file at the City of Cleveland, Division of Engineering and Construction; thence South 01°-10'-44" East a distance of 9.80 feet to a point lying at East 65th Street centerline Station 9+90.20;

Thence South 88°-49'-16" West a distance of 33.00 feet to a point in the easterly line of lands conveyed to Richard M. Berg and Douglas Link Properties by deed recorded in Volume 87-0841, Page 31 of Cuyahoga County Records and the principal place of beginning. Said point lying 33.00 feet left of East 65th Street Station 9+90.20;

Thence along the arc of a curve deflecting to the left and having an arc distance of 57.14 feet, a radius of 100.00 feet and chord bearing North 22°-53'-45" West, 56.37 feet to a point of compound curvature lying 30.00 feet right of Bessemer Avenue centerline Station 99+40.26;

Thence along the arc of a curve deflecting to the left and having an arc distance of 308.77 feet, a radius

of 352.00 feet and chord bearing North 64°-23'-41" West, 298.96 feet to a point of tangency lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence North 89°-31'-23" West a distance of 514.58 feet to a point lying 30.00 feet right of Bessemer Avenue centerline Station 90+90.60;

Thence North 01°-11'-26" West a distance of 60.03 feet to a point lying 30.00 feet left of Bessemer Avenue centerline Station 90+90.60;

Thence South 89°-31'-23" East a distance of 516.32 feet to a point of curvature lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence along the arc of a curve deflecting to the right and having an arc distance of 247.16 feet, a radius of 412.00 feet and chord bearing South 72°-20'-17" East, 243.47 feet to a point of compound curvature lying 30.00 feet left of Bessemer Avenue centerline Station 98+34.34;

Thence along the arc of a curve deflecting to the left and having an arc distance of 76.99 feet, a radius of 35.00 feet and chord bearing North 61°-50'-04" East, 62.38 feet to a point of tangency lying 33.00 feet left of East 65th Street centerline Station 11+86.94;

Thence South 01°-10'-44" East a distance of 196.74 feet to the principal place of beginning and containing an area of 1.196 acres more or less but subject to all legal highways.

The above described parcel is Auditor's Parcel Number 125-07-007.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.

Exhibit 'A'
PID 20329

BESSEMER AVENUE EXTENSION
PARCEL 4-T2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot No. 325, further bounded and described as follows:

Commencing at an iron pipe found in the centerline of East 65th Street (66 feet wide) at its intersection with the centerline of Bessemer Avenue (70 feet wide), said point being at East 65th Street centerline Station 10+00.00 as shown by the Bessemer Avenue Extension Plans dated January 14, 2003 on file at the City of Cleveland, Division of Engineering and Construction;

Thence South 01°-10'-44" East a distance of 9.80 feet to a point lying at East 65th Street centerline Station 9+90.20; thence South 88°-49'-16" West a distance of 33.00 feet to a point in the easterly line of lands conveyed to Richard M. Berg and Douglas Link Properties by deed recorded in Volume 87-0841, Page 31 of the Cuyahoga County Records and the principal place of beginning. Said point lying 33.00 feet left of East 65th Street Station 9+90.20;

Thence along the arc of a curve deflecting to the left and having an arc distance of 57.14 feet, a radius of 100.00 feet and chord bearing North 22°-53'-45" West, 56.37 feet to a point of compound curvature lying 30.00 feet right of Bessemer Avenue centerline Station 99+40.26;

Thence along the arc of a curve deflecting to the left and having an arc distance of 308.77 feet, a radius of 352.00 feet and chord bearing North 64°-23'-41" West, 298.96 feet to a point of tangency lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence North 89°-31'-23" West a distance of 514.58 feet to a point lying 30.00 feet right of Bessemer Avenue centerline Station 90+90.60;

Thence South 01°-11'-26" East a distance of 7.02 feet to a point;

Thence South 85°-17'-27" East a distance of 9.08 feet to a point;

Thence South 88°-38'-39" East a distance of 115.32 feet to a point;

Thence South 89°-31'-23" East a distance of 384.89 feet to a point;

Thence South 78°-53'-38" East a distance of 133.05 feet to a point;

Thence South 58°-20'-50" East a distance of 90.39 feet to a point;

Thence South 46°-09'-31" East a distance of 90.35 feet to a point;

Thence South 36°-03'-03" East a distance of 25.10 feet to a point;

Thence South 13°-23'-57" East a distance of 18.56 feet to a point;

Thence South 80°-18'-21" West a distance of 11.18 feet to a point;

Thence South 01°-10'-26" East a distance of 24.74 feet to a point;

Thence North 89°-00'-20" East a distance of 16.00 feet to a point lying 33.00 feet left of Bessemer Avenue centerline Station 9+67.06 of East 65th Street as shown in the plans of Bessemer Avenue Extension;

Thence North 01°-10'-44" East a distance of 23.14 feet to the principal place of beginning and containing an area of 0.136 acres more or less and subject to all legal highways.

The above described parcel is Auditor's Parcel Number 125-07-007.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.

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

Ord. No. 168-04.**By Council Member Zone.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1854 West 50th Street to Ohio City Near West Development Corporation or designee.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 002-35-033, as more fully described below, to Ohio City Near West Development

Corporation or designee.

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

P. P. No. 002-35-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly half of Sublot No. 324 in Benedict and Root's Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat of said Allotment in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and forming a parcel of land having a frontage of 30 feet, on the Westerly side of West 50th Street, 60 feet wide (formerly known as Birch Street), and extending back of equal width, 132.00 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to: Easement recited in Volume 5245, Page 659 of Cuyahoga County Records, filed April 16, 1940.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 169-04.**By Council Member Dolan.**

An ordinance to change the zoning of parcels at Southwest corner of Warren Road and Triskett Road from a General Retail Business Use District and a Multi-Family Residential Use District to a Local Retail Business Use District and a Multi-Family Residential Use District (Map Change No. 2110 and 2111, Sheet No. 12).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning on the centerline of Triskett Road N.W. (85 feet wide) at its intersection with the Westerly prolongation of the Northerly line of Sublot No. 1 in the Barbeade Corporation's Resubdivision as shown by the recorded plat in Volume 133, Page 23 of Cuyahoga County Map Records; thence Easterly along the Westerly prolongation of the Northerly line and the Easterly prolongation of said Sublot No. 1 to its intersection with the centerline of Warren Road N.W. (80 feet wide); thence Southerly along the centerline of said Warren Road to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 37 in the Barbeade Corporation's Resubdivision as aforesaid; thence Westerly along the Easterly prolongation and Southerly line of said Sublot No. 37 to the Southwesterly corner thereof, said point being also the Easterly line of Sublot No. 3 in said Subdivision; thence Southerly along the Easterly line of Sublot No. 3 to the Southeasterly corner therein; thence Northwesterly along the Southwesterly line of said Sublot No. 3 and its Northwesterly prolongation to its Intersection with the Centerline of Triskett Road N.W., as aforesaid; thence Northeasterly along said Centerline of Triskett Road N.W. to the place of beginning,

and as outlined and shaded on the attached map is changed to a Local Retail Business Use District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2110, Sheet No. 12, 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 the Use District of lands bounded and described as follows:

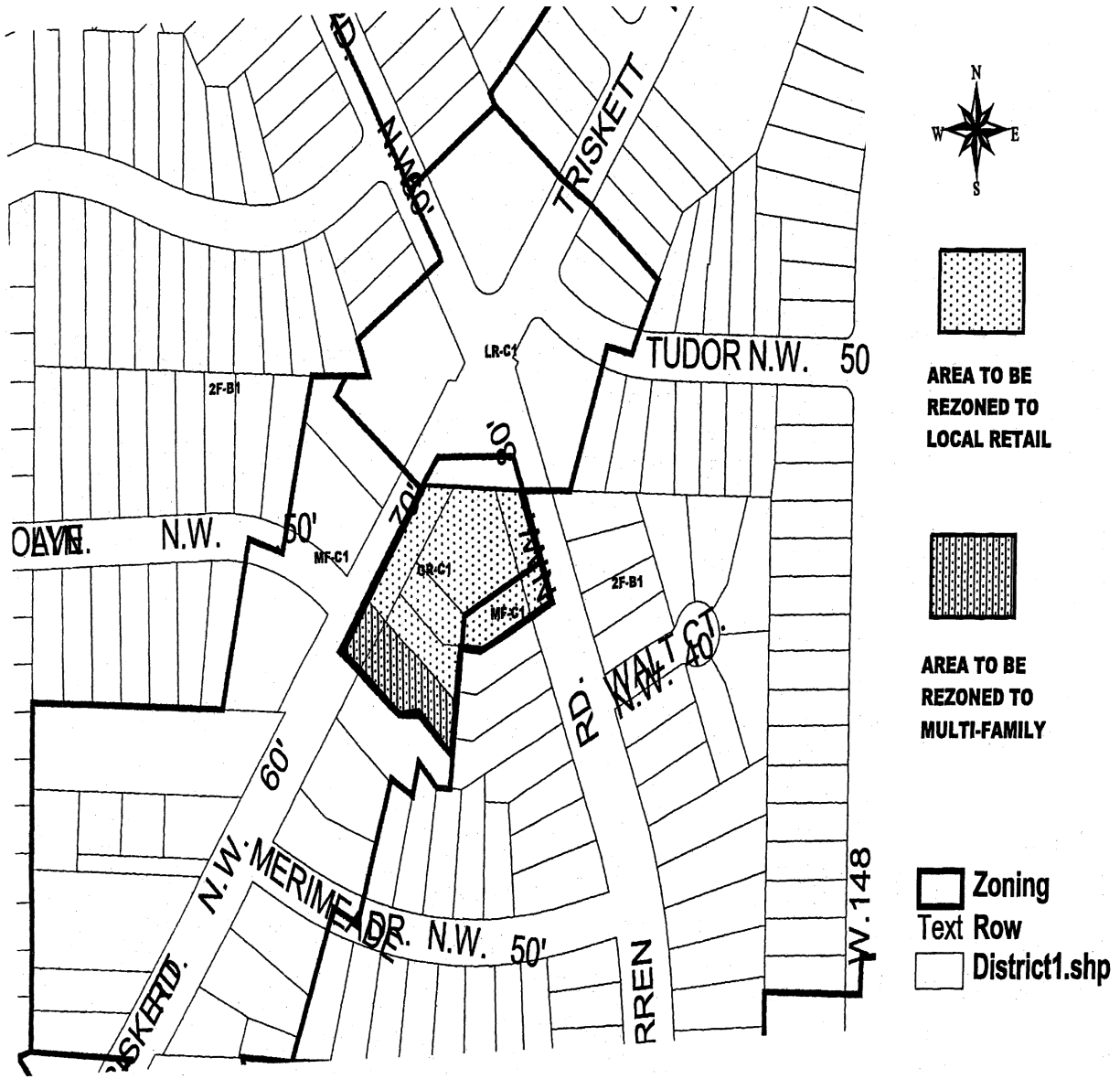
Beginning on the centerline of Triskett Road N.W. (85 feet wide) at its intersection with the northwesterly prolongation of the Northeasterly line of Sublot No. 4 in the Barbeade Corporation's Resubdivision as shown by the recorded plat in Volume 133, Page 23 of Cuyahoga County Map Records; thence Southeasterly along said Northwesterly prolongation and Northeasterly line of Sublot No. 4 to the Northeasterly corner thereof; thence Southerly along the Easterly line of Sublot No. 4 to the most Southeasterly corner of land conveyed to Gisella and Leslie

Kaciban by deed recorded in Volume 14493, Page 557 of Cuyahoga County deed records; thence in a generally Northwesterly direction along the irregular Southerly line of land conveyed to Gisella and Leslie Kaciban as aforesaid and its Northwesterly prolongation to its intersection with the Centerline of Triskett Road as aforesaid; thence Northeasterly along said Centerline of Triskett Road N.W. to the place of beginning, and as outlined and shaded on the attached map is changed to a Multi-Family Residential Use District.

Section 4. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2111, Sheet No. 12, 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Proposal to rezone parcels at the Southwest corner of Warren Road and Triskett Road from a General Retail Business Use District and a Multi-Family Residential Use District to a Local Retail Business Use District and a Multi-Family Residential Use District (Map Change No. 2110 and 2111, Sheet No. 12).



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

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

Ord. No. 161-04.

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

An emergency ordinance to amend the title, Section 1, and Section 2 of Ordinance No. 2308-03, passed December 15, 2003, relating to the public improvement of cleaning and cement mortar lining of various distribution water mains.

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, Section 1, and Section 2 of Ordinance No. 2308-03, passed December 15, 2003, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains **within the Cleveland Water System;** and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning and cement mortar lining of various distribution water mains **within the Cleveland Water System,** for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding **upon a unit basis** for the improvement.

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

Section 2. That the existing title, Section 1, and Section 2 of Ordinance No. 2308-03, passed December 15, 2003, 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.

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

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

Ord. No. 163-04.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a swimming pool heater, including attachments and accessories, at Thurgood Marshall Recreation Center, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to 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: labor and materials necessary to install a swimming pool heater, including attachments and accessories, at Thurgood Marshall Recreation Center, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Property Management, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 143187.

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

Ord. No. 171-04.

By Mayor Campbell and Council Member Sweeney.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 670.01 to 670.19 and 670.99 relating to the commissioning of armed security guards.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 670.01 to 670.19 and 670.99 to read as follows:

**Chapter 670
Commissioning of Armed
Security Guards**

Section 670.01 Definition

As used in this chapter, "armed security guard" means a person engaged for hire or employed as a

watchman, guard, private policeman, or other person whose primary duty is to protect persons or property or both, with the exception of such persons who do not carry a weapon of any kind, but does not include any police officer, special police officer, or any other person who by virtue of federal, state, or local law, excluding this chapter, is a "law enforcement officer" as defined in Section 2901.01 of the Revised Code.

Section 670.02 Application Forms; Availability; Contents

The Director of Public Safety shall make application forms available to any person who requests to be commissioned as an armed security guard.

The application form shall require the applicant to provide his or her full name, current residence, previous residences within the five-year period preceding the date of the application, age, place of birth, citizenship, current employment, and previous employment within the five-year period preceding the date of the application.

In addition, the application shall include all of the questions contained in divisions (g) and (h) of Section 670.03, and may include other questions that the Director determines to be administratively helpful in determining whether the applicant is qualified to be commissioned under this chapter.

The application form shall also require the submission of at least two references to the good character and integrity of the applicant, which may not be a family member or the applicant's current employer.

The applicant shall swear or affirm before a notary public that the information contained in the application is true.

If the applicant provides incomplete or untruthful information in connection with the application for a commission, it shall be grounds for denial of the commission.

Section 670.03 Requirements for Obtaining a Commission

A person may be commissioned as an armed security guard if he or she:

- (a) Is an "armed security guard" as defined in Section 670.01; and
- (b) Is twenty-one years of age or older; and
- (c) Is a United States citizen; and
- (d) Is able to read, write, and speak the English language; and
- (e) Has good eyesight; and
- (f) Has height, weight, and muscle tone within normal range; and
- (g) Answers all of the following questions in the negative:

"(1) Are you under indictment or have you been convicted of a felony of violence?"

"(2) Are you under indictment or have you been convicted of a crime involving force or threat of force?"

"(3) Are you currently engaging in the illegal use of drugs?"

"(4) Are you engaged in the abuse of alcohol?"; and

(h) Answers all of the following questions in the negative or demonstrates to the satisfaction of the Director of Public Safety that an affirmative answer will not adversely affect the applicant's ability

to perform the job of a commissioned armed security guard:

"(1) Have you ever been convicted of a crime under federal, state, or local law, other than a minor traffic violation? If you answer 'yes', explain.

"(2) Are you under a current court order that may affect your ability to perform the job of an armed security guard? If you answer 'yes', explain.

"(3) Do you have any condition that would render you unfit to carry a firearm? If you answer 'yes', explain.;" and

(i) Submits a letter from the applicant's employer indicating that the applicant is employed as an armed security guard; and

(j) Submits proof of age in the form of a birth certificate or valid driver's license; and

(k) Submits proof that any handgun that the applicant may use in the course of his or her duties has been registered; and

(l) Submits all of the items required by Sections 670.06, 670.07, and 670.09.

(m) Is fingerprinted for purposes of a criminal background check as required by Section 670.08.

(n) Pays all applicable fees as required by this chapter.

(o) Is not under any of the legal disabilities set forth in Section 2923.13 of the Revised Code preventing such person from acquiring, having, carrying, or using any firearm or dangerous ordnance.

The Director of Public Safety is authorized to commission armed security guards who have complied with all applicable provisions of this chapter.

Section 670.04 Duration of Commission

Each commission or renewal of a commission issued under this chapter shall be in effect for a period of one year, unless sooner suspended or revoked in accordance with Sections 670.17 and 670.18.

Section 670.05 Appeal

Any person denied a commission under this chapter may appeal the decision to the Board of Zoning Appeals within thirty days of the decision by filing a written notice of appeal with the Director and paying any fee charged by the Board to conduct the appeal.

Section 670.06 Ohio Peace Officer Training

Every applicant for a commission shall submit with the application evidence of satisfactory completion of a minimum of 120 hours of basic law enforcement training certified by the Ohio peace officer training commission.

Section 670.07 Weapons Qualification

Every new applicant for a commission shall submit with the application evidence that the applicant has completed, within two (2) years prior to the date of the application, a firearms training program certified by the Ohio peace officer training commission or has been requalified within two (2) years prior to the date of the application, through

a course certified by the Ohio peace officer training commission or at the City's firing range.

Every applicant for renewal of a commission under this chapter shall submit evidence that the applicant has completed firearms requalification within ninety (90) days prior to the date of the expiration of the commission being renewed, through a course certified by the Ohio peace officer training commission or at the City's firing range.

Section 670.08 Background Check

The applicant shall be fingerprinted for purposes of conducting a criminal background check. The applicant shall pay a non-refundable fee of fifteen dollars (\$15.00) for the costs of the background check.

Section 670.09 Photographs of Applicant

Upon notification by the office of the Director of Public Safety that the applicant will be issued a new or renewed commission under this chapter, the applicant shall submit two (2) current unretouched photographs of himself or herself, the size and character of which shall be designated by the Director. One of the photographs shall be affixed to the identification card issued under Section 670.11.

Section 670.10 Application Fee; Firing Range Fee

A non-refundable fee of eighty-five dollars (\$85.00) shall be charged to an applicant for the issuance of a new commission or for the renewal of a commission.

A non-refundable fee of fifteen dollars (\$15.00) shall be charged for each use of the City's firing range for the purpose of passing a weapons qualification test.

Section 670.11 Commission Identification Card

(a) Any person issued a commission under this chapter shall be issued a photo identification card that shall contain at a minimum the person's name, the name of the person's employer(s), the date of expiration of the commission, and an identification number unique to that individual.

(b) Each armed security guard issued a photo identification card under this section shall carry the card on his or her person at all times while engaged in armed security guard duties.

(c) No person while engaged in armed security guard duties shall fail to present the photo identification card issued under this section to a police officer upon demand.

Section 670.12 Approval of Uniforms

No armed security guard commissioned under this chapter shall use or wear a name tag, distinctive uniform, cap, badge, or button until their form, design, and color have been submitted to and approved by the Director of Public Safety.

Section 670.13 Imitation of Official Uniforms

No person who is not a member of the Division of Police or the Division of Fire shall wear a uniform,

cap, badge, or button similar to, or in imitation of, the official uniform, cap, badge, or button in use at any time by a member of either such Division.

Section 670.14 Limitation of Authority

The Director of Public Safety may designate the property or the geographical area of the City within which an armed security guard commissioned by the City may exercise his or her authority.

Commissioned armed security guards shall not obtain search warrants or warrants for arrest or perform any other specific function which the Director of Safety may, by rules and regulations, reserve exclusively to the Division of Police or which are exclusively reserved by the ordinances of the City and the City Charter to the Division of Police.

Commissioned armed security guards shall exercise their authority consistent with all applicable federal, state, and local laws.

Section 670.15 Firearms

In no event shall a commissioned armed security guard use or carry a firearm greater than a .38 caliber handgun.

If a commissioned armed security guard discharges his or her firearm in the City other than at a training range, then the guard shall report that fact to the Director of Public Safety, in writing, within two (2) business days of the incident.

Nothing in this chapter shall relieve a person from the provisions and prohibitions contained in Section 2923.12 of the Revised Code relating to carrying a concealed weapon, or any other federal, state or local law with respect to the possession or discharge of firearms.

Section 670.16 Reporting of Criminal Offenses

If a commissioned armed security guard is arrested or charged with any felony offense, or any offense of violence as defined in Section 2901.01 of the Revised Code, then the guard shall report that fact to the Director of Public Safety, in writing, within two (2) business days of the arrest or charge. If convicted of any such charge, then the commissioned guard shall also report that fact to the Director of Public Safety, in writing, within two (2) business days of the conviction.

Section 670.17 Grounds for Suspension and Revocation of Commission

Any commission issued under this chapter is subject to suspension or revocation if the holder of the commission:

(a) Has violated any of the provisions of this chapter; or

(b) Has violated any rule or regulation issued by the Director of Public Safety under Section 670.19; or

(c) Was unqualified at the time of the issuance of the commission; or

(d) Has become unqualified and would be denied a commission if he or she was then submitting an application; or

(e) Has provided incomplete or untruthful information in connection with the application for a commission; or

(f) Has given a false statement to a law enforcement officer; or

(g) Has committed any criminal offense that would have been grounds for denial of the commission originally, and the same is found to be true by a preponderance of the evidence at a hearing conducted in accordance with Section 670.18, whether or not the person is ultimately convicted of the offense.

Section 670.18 Suspension and Revocation Procedure

The Director of Public Safety, upon the complaint of any person, or upon the Director's own information or belief, shall investigate any allegation that a commissioned armed security guard has committed an act that constitutes grounds for suspension or revocation of a commission issued under this chapter.

If the Director finds that there is probable cause to believe there is grounds to suspend or revoke a commission, the Director shall give the holder of the commission notice and an opportunity to present evidence on his or her behalf, with or without assistance of an attorney. The strict rules of evidence applicable in courts of law shall not apply.

If the Director finds that the allegations are true by a preponderance of the evidence, then the Director shall suspend or revoke the commission in question.

A person whose commission is suspended or revoked may appeal the decision to the Board of Zoning Appeals within thirty days of the date of the decision by filing a written notice of appeal with the Director and paying any fee charged by the Board to conduct the appeal.

Section 670.19 Rules and Regulations

The Director of Public Safety is authorized to issue rules and regulations to carry out the purposes of this chapter. Any such rule or regulation shall take effect thirty days after its publication in the City Record.

Section 670.99 Penalty

(a) Any person who violates division (c) of Section 670.11 is guilty of a minor misdemeanor on the first offense, and a misdemeanor of the fourth degree on the second and each subsequent offense.

(b) Any person who violates Section 670.13 is guilty of a misdemeanor of the fourth degree.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

Those who voted yea were Council Members: Jackson, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Gordon, Johnson, Jones, Lewis, Pierce Scott, Polensek, Reed, Sweeney, Westbrook, White and Zone.

Those who voted nay: Council Member Dolan.

Not answering roll call: Council Members O'Malley and Rybka.

Council Member Rybka entered the meeting.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 170-04.

By Council Member Cintron.

An emergency resolution supporting the proposal of the Catholic Charities Housing Corporation to provide affordable housing for the benefit of elderly citizens of Cleveland through the use of funding from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates funding for affordable housing developments throughout Ohio using a competitive proposal process; and

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

Whereas, the Catholic Charities Housing Corporation has developed a comprehensive plan to identify those areas that would be appropriate for housing developments for the elderly; and

Whereas, the Catholic Charities Housing Corporation is proposing to develop up to thirty (30) apartment housing units for the elderly at 3200 West 33rd Street; and

Whereas, 100% of these units will be affordable to seniors age fifty-five (55) and older; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of the Catholic Charities Housing Corporation to develop affordable housing for the elderly citizens of Cleveland through the use of funding from the Housing Credit, Affordable Housing Loan, and Development Assistance Program of the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of the resolution to the Executive Director of the Catholic Charities Housing Corporation.

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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 172-04.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 17234 Euclid Avenue and repealing Resolution No. 1303-03, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 17234 Euclid Avenue by Resolution No. 1303-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Roosevelt Coats and Applicant, Willie J. Ashley, President of Progro, Inc., DBA Our Neighborhood Store, 17234 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 7094927, a copy of which is in the file for this address with the City Law Department; 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 C1 and C2 Liquor Permit to Progro, Inc., DBA Our Neighborhood Store, 17234 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 7094927 be and the same is hereby withdrawn and Resolution No. 1303-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 173-04.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 13933 St. Clair Avenue and repealing Resolution No. 1304-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 13933 St. Clair Avenue by Resolution No. 1304-03 adopted by the Council on July 16, 2003; and

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

al based upon and pursuant to a cooperation agreement by and through City Council Representative, Roosevelt Coats and Applicant, Christine Shelton, President of Wilchris, Inc., DBA Christine's Lounge, 13933 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9606930, a copy of which is in the file for this address with the City Law Department; 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 D1, D2, D3 and D3A Liquor Permit to Wilchris, Inc., DBA Christine's Lounge, 13933 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9606930 be and the same is hereby withdrawn and Resolution No. 1304-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 174-04.

By Council Member Conwell.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 891 Lakeview Road, 1st Floor and repealing Resolution No. 2351-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 891 Lakeview Road, 1st Floor by Resolution No. 2351-03 adopted by the Council on November 24, 2003; 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 C2 and C2X Liquor Permit to Lakeview Food Enterprises, Inc., DBA In and Out Beverage, 891 Lakeview Road, 1st Floor, Cleveland, Ohio 44108, Permanent Number 4980548 be and the same is hereby withdrawn and Resolution No. 2351-03, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 175-04.

By Council Member Gordon.

An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 3870 Pearl Road and repealing Resolution No. 841-03, objecting to said permit.

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 3870 Pearl Road by Resolution No. 841-03 adopted by the Council on May 12, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C1 and C2 Liquor Permit to F J G, Inc., DBA Gallos Convenient Market, 3870 Pearl Road, Cleveland, Ohio 44109, Permanent Number 2600067, be and the same is hereby withdrawn and Resolution No. 841-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 176-04.

By Council Member Gordon.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4818-22 Memphis Avenue and Patio and repealing Resolution No. 1315-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 4818-22 Memphis Avenue and Patio by Resolution No. 1315-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Gilberto Crespo, President of HIM, Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 3845983, a copy of which is in the file for this address with the City Law Department; 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 D1, D2, D3, D3A and D6 Liquor Permit to HIM, Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue and Patio, Cleveland, Ohio 44144, Permanent Number 3845983 be and the same is hereby withdrawn and Resolution No. 1315-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 177-04.

By Council Member Gordon.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3801-03 Denison Avenue and repealing Resolution No. 1314-03, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3801-03 Denison Avenue by Resolution No. 1314-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Rita P. Kovach, President of Kovach-Ford, Inc., 3801-03 Denison Avenue, 1st Floor and Basement, Cleveland, Ohio 44109, Permanent Number 4817939, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to

Kovach-Ford, Inc., 3801-03 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 4817939 be and the same is hereby withdrawn and Resolution No. 1314-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 178-04.

By Council Member Gordon.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 5200 Memphis Avenue and repealing Resolution No. 1316-03, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 5200 Memphis Avenue by Resolution No. 1316-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Robert Smigelski, President of Revenue, Inc., 5200 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 7315819, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Revenue, Inc., 5200 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 7315819 be and the same is hereby withdrawn and Resolution No. 1316-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read

third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 179-04.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit at 568 East 185th Street and repealing Resolution No. 2117-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 568 East 185th Street by Resolution No. 2117-03 adopted by the Council on October 27, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement signed January 29th, 2004 by and through City Council Representative, Michael D. Polensek and Applicant, Samy Herwabi, President of S & M, Inc., DBA Back Door Beverage, 568 East 185th Street, Cleveland, Ohio 44119, Permanent Number 7641741, a copy of which is in the file for this address with the City Law Department; 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 and D2 Liquor Permit to 568 East 185th Street be and the same is hereby withdrawn and Resolution No. 2117-03, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**SECOND READING
EMERGENCY ORDINANCE**

Ord. No. 2431-03.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from American Public Power Association for the Case Western Reserve University North Residential Village Combined Cooling and Heating Program; and authorizing one or more contracts with Case Western Reserve University to implement the program.

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1219-03.

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

An emergency ordinance determining the method of making the public improvement of performing asbestos abatement and authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 2, line 4, strike "not to exceed one year" and insert "**of one or two years**"; in line 7, strike "than one year" and insert "**than the specified term**"; in line 8, strike "year" and insert "**term**". "**The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.**"

Amendment agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

Ord. No. 2163-03.

By Council Members Sweeney, Gordon and Jackson.

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with US Cotton, LLC to provide for a ten-year, sixty-five percent tax abatement for certain tangible personal property as an incentive to acquire new machinery and equipment to improve their operations at their facility located at 15501 Industrial Parkway in the Area Enterprise Zone; and authorizing an exemption from the requirements of the Cleveland Fair Employment Law.

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

1. In the title, line 7, and in Section 2, line 4, strike "as" and insert "**to**".

Amendment agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

Ord. No. 2226-03.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1597-02,

passed August 14, 2002, relating to the employment of one or more consultants to provide professional services relating to implementing FAA-mandated security enhancements and upgrades at Cleveland Hopkins International Airport and authorizing standard and requirement contracts necessary for implementation.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2326-03.

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

An emergency ordinance to amend Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, relating to the design of the FAA TRACON Renovation at Cleveland Hopkins International Airport.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2327-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and replace interior plants and exterior site landscaping, for the various divisions of the Department of Port Control.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2328-03.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more surveyors and consultants or one or more firms of surveyors and consultants to provide professional services necessary to survey various parcels or portions of parcels of land and for quality assurance services.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2360-03.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Naples, Florida and Lincoln Avenues to Amistad Development Corporation or designee.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2361-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Velina L. Mainor.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2400-03.

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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2425-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Datamatic to install, implement, configure, manage, and integrate upgrades for the automatic meter reading system; and authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Datamatic for the purchase of automatic meter reading upgrades, equipment, and appurtenances, including hardware, and software necessary for the upgrade, and maintenance for a period of one year, for the Division of Water, Department of Public Utilities.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2427-03.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide a comprehensive financial plan for the years 2006 through 2010, including but not limited to cost of service studies and rate and fee analyses, for the Divisions of Water and Water Pollution Control.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2428-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with International Business Machines Corporation for maintenance and technical support of an AS 400 billing system, including appurtenances, for a period of three years.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2429-03.

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

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

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

1. In the title, the last line, strike "two years" and insert "one year".
2. In Section 1, in the last line of the first paragraph strike "two years" and insert "one year".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

Ord. No. 2430-03.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop a new customer information and billing system, including related services.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2432-03.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design the extension of Runway 6R-24L at Cleveland Hopkins International Airport.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 119-04.

By Council Members Westbrook, Cimperman and Jackson.

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Air Services of Cleveland, Inc. for the use and occupancy of certain space in the Secondary Hangar at Cleveland Hopkins International Airport and for ramp and parking areas adjacent to the premises.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 1, strike lines 9, 10, 11, and 12 in their entirety and insert "maintenance services. The term of the Lease shall be for a period of five (5) years (the "Initial Term") with an option by Lessee to extend the term of the Lease for three (3) additional five-year periods (the "First Extended term", "Second Extended Term", and "Third Extended Term", respectively)."

2. In Section 1, strike the second paragraph in its entirety and insert "Lessee shall pay rent for use of the Premises as follows: Bays D, E and F, including associated ramp and parking areas - \$3.50 per square foot per year. The annual rent shall be increased by 5% in each of the First Extended Term, Second Extended Term, and Third Extended Term."

3. In Section 1, at the third paragraph, line 5, strike "first five years of the"; and in line 8, strike "first five years of the".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

MOTION

By Council Member Zone, seconded by Council Member Reed and unanimously carried that the absence of Council Member Michael C. O'Malley, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, February 9, 2004, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the next meeting:

ORDINANCE

Ord. No. 2431-03.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from American Public Power Association for the Case Western Reserve University North Residential Village Combined Cooling and Heating Program; and authorizing one or more contracts with Case Western Reserve University to implement the program.

BOARD OF CONTROL

January 28, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 28, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Director Abouserhal, Director Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Donna Felder, Acting Director, Office of Equal Opportunity.

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

Resolution No. 25-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Fallsway Equipment Co., Inc. for an estimated quantity of roll-off-haul-all carrier body and tow body (all items), for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on November 19, 2003, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to Fifty-Seven Thousand Three Hundred Ninety and 00/100 Dollars (\$57,390.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130191 which shall be certified against such contract in the sum of Fifty-Seven

Thousand Three Hundred Ninety and 00/100 Dollars (\$57,390.00).

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

Yeas: Mayor Campbell, Acting Director Abouserhal, Director Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Chandra.

Resolution No. 26-04.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 552-2000, as amended by Ordinance No. 1234-2000, passed by the Council of the City of Cleveland on June 19, 2000 and July 17, 2000, respectively, the firm of Middough Consulting, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional design services, preparation of plans and specifications, for the Altitude Combustion Stand (ACS), the final Preliminary Engineering Report (PER), facility under the NASA South 40 Project at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Middough Consulting, Inc. based upon its proposal dated September 24, 2003, provided that the compensation to Middough Consulting, Inc. for the services authorized shall not exceed Five Hundred Fifty Six Thousand Fifty-Five and 00/100 Dollars (\$556,055.00), which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Middough Consulting, Inc. is hereby approved:

<u>Subconsultant</u>	<u>MBE/FBE %</u>	<u>Amount</u>
Central Engineering	7.84% — MBE	\$43,600.00
Northcoast Business Systems	0.43% — MBE	\$ 2,400.00
Applied Laser Technology	0.29% — FBE	\$ 1,600.00
Kalapos Architects	3.56% — FBE	\$19,800.00

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 27-04.

By Director Carroll.
Be it resolved by Board of Control of the City of Cleveland that Board of Control Resolution No. 551-03, adopted September 17, 2003, as amended by Resolution No. 612-03, adopted October 15, 2003, under the authority of Ordinance No. 497-03, passed by the Council of the City of Cleveland on April 14, 2003, approving Pharmed Corporation, as the firm to be employed by contract to provide pharmaceutical supplies for the Division of Correction, is further amended by deleting the initial requisition amount of "\$26,713.20" and substituting "\$14,240.02" where appearing.

Be it further resolved that all other provisions of Resolution No. 551-03, as amended by Resolution No. 612-03, adopted October 15, 2003, and not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Director Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 17, 2004

9:30 A.M.

Calendar No. 04-01: 917 East 105th Street (Ward 8)

James Richardson, owner, and Nathaniel Seay, tenant, appeal to use for an outdoor food sales trailer, a vacant 110' x 175' corner lot situated in a Local Retail Business District on the southeast corner of East 105th Street; the proposed use being contrary to Section 347.08(a) of Specific Uses Regulated that requires trash areas and refuse containers to be located so they are not visible from the public street nor any lots designated for residential purpose and must be screened with opaque fencing not lower than the height of the refuse containers; and contrary to Section 349.07 of the Off-Street Parking and Loading Requirements, where accessory off-street parking spaces must be properly paved and graded for drainage with wheel or bumper guards and contrary to provisions for Landscaping and Screening that require a 6' wide landscape strip where the parking lot abuts the street and an 8' wide landscape strip where the lot abuts the Residential District to the rear as stated in Sections 352.08-352.11 of the Codified Ordinances.

Calendar No. 04-18: 11113 Fidelity Avenue (Ward 19)

Anthony Lusardo, owner, appeals to erect a 15'-6" x 21' wolmanized wood deck to the rear of an existing one family dwelling and to install 63 1/f of privacy fence, of which 40 1/f is 6' high, 7 1/f is 8' high and 16' 1/f is 8'-7 1/4" high, along the eastern perimeter of a 40' x 129' parcel located in a Two-Family District on the south side of Fidelity Avenue at 11113 Fidelity Avenue; the proposed deck being contrary to Sections 357.09(2)A and B of the Yards and Courts Regulations, where no less than 10' is allowed from a main building on the adjacent lot and 4' is proposed and a minimum interior side yard of 3' is required and 3" from the property line is proposed; and contrary to the Fence Regulations for Residential Districts, where 8 1/f of 8' high fence is proposed and 16 1/f of fence in excess of an 8' height is proposed 3' from the neighboring house and the maximum fence height permitted in the actual interior side yard is 6' and must be 6' from the neighboring house as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 04-19: 777 East 143rd Street (Ward 10)

Eddie Clark, d.b.a. United Truck & Auto Salvage appeals to establish use as a salvage/auto wrecking yard an acreage parcel located in a General Industry District on the east side of East 143rd Street at 777 East 143rd Street; contrary to Section 345.04(a)(4) of the Industrial Districts Regulations, where the required lot size must be 50,000 s/f and 39,342 s/f is proposed and it must be enclosed by a 7' high solid

masonry wall or slightly solid, non-transparent, substantial fence; and contrary to the Off-Street Parking and Loading Requirements, no concrete nor asphalt covered surface is provided and parking spaces must be provided with wheel or bumper guards as stated in Sections 349.07(a)(b) of the Codified Ordinances.

Calendar No. 04-21: 3200 West 33rd Street (Ward 14)

Mercedarian Plaza LP c/o Catholic Charities Housing Corporation, owner, appeals to erect an approximate 222' x 59' three-story, 30 unit, senior housing apartment building on a 234' x 168' corner parcel located in a Two-Family District on the southwest corner of St. Rocco's Court and West 33rd Street at 3200 West 33rd Street; contrary to Section 337.03 of the Residential Districts Regulations, where the proposed apartment building is not permitted in a Two-Family District and contrary to the Area Requirements of Section 355.04, where the gross floor area in a "B" District cannot exceed one-half of the lot area and the maximum gross floor area permitted is 19,602 s/f and 35,583 s/f is proposed and the required lot area per dwelling unit is 72,000 s/f and 39,204 s/f is proposed and contrary to the Landscaping and Screening Requirements in Sections 352.08 through 352.11, a 4' wide landscape transition strip is required to separate the Multi-Family use from the abutting Two-Family District, and a 6' landscape strip and a fence are required to screen the proposed parking area from the street and from residential view; and contrary to the Yards and Courts Requirements in Section 357.05(b), the dumpster enclosure must be 10' from the side lot line and parking as proposed in the required front yard setback is not a permitted encroachment as stated in Section 357.14 of the Codified Ordinances.

Calendar No. 04-22: 14109 Benwood Avenue (Ward 1)

Fifth Christian Church c/o Minister Mack Rice, owner, and Charles Kelley, agent, appeal to construct an accessory parking lot to the existing church situated on an approximate 347' x 247' irregular shaped parcel located, in a Two-Family District and a Local Retail Business District on the north side of Benwood Avenue at 14109 Benwood Avenue; contrary to the Regulations for Residential Districts (Section 337.03 for a Two-Family District) and for Business Districts (Section 343.01 for a Local Retail Business District), regulated by reference to Section 337.02(e)(1) for a One-Family District, a church and accessory uses if located less than 15' from any residence district are subject to the Board of Zoning Appeals approval; and contrary to Sections 349.05(a) and 349.07(a) of the Off-Street Parking and Loading Requirements, where no parking space shall be located within 10' of any wall of a residential building or structure if such wall contains an opening designed to provide light or ventilation for such building and off-

street parking spaces shall be provided with wheel or bumper guards; and contrary to the Landscaping and Screening Requirements of Section 352.11, where an 8' wide landscaping strip is required between the parking lot and the abutting Two-Family District and a 6' wide landscaping strip is required along Benwood Avenue and East 140th Street; and subject to the Yards and Courts provisions, where parking of motor vehicles is prohibited in the required 18' setback along East 140th Street as stated in Section 357.14(a)(1) of the Codified Ordinances.

Calendar No. 04-29: 13511 Union Avenue (Ward 3)

Mt. Pleasant NOW Development Corporation, owner c/o Chris Auvil, agent, appeals to erect a three-story, 48 unit senior housing building and a 37 space parking lot, all situated on an acreage parcel located in zoning for a General Retail Business District and a Semi-Industry District on the north side of Union Avenue at 13511 Union Avenue; contrary to the provisions of the Area/Density Regulations, where in "B" and "C" Districts, the maximum gross floor area is limited to one-half of the lot area and 54,575 s/f is proposed where the maximum gross floor area allowed is 26,150 s/f as stated in Section 355.04 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 2, 2004

At the meeting of the Board of Zoning Appeals on Monday, February 2, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-344: 3500 East 147th Street

The Cleveland Municipal School District appealed to construct a 255' x 365' two-story elementary/middle school in a Local Retail Business District and in a Two-Family District.

Calendar No. 03-347: 3735 West 33rd Street

Alex Badea appealed to enclose an 18' x 31' rear porch of a four dwelling units building in Two-Family District.

Calendar No. 03-349: 15209 Florida Avenue

Ebenezer Assembly of Christ church appealed to construct a two-story addition for classrooms to an existing church in a Two-Family District; subject to submittal of a parking lease agreement.

Calendar No. 03-330: 1082-98 East 105th Street

Maher J. Ali appealed to construct a 50' x 97' one-story grocery store

on a 143' x 155' corner parcel in a Local Retail Business District and a Two-Family District.

Calendar No. 04-02: 4507 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-03: 4509 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-04: 4511 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-05: 4515 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-06: 4517 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame one family townhome on a 16.5' x 82' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-07: 4519 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame one family townhome on a 26' x 82' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-08: 4521 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame one family townhome on a 26' x 78' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-09: 4523 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 78' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-10: 4525 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-11: 4527 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-12: 4529 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 16' x 79'

area of a 300' x 174' parcel located in a Multi-Family District.

Calendar No. 04-13: 4531 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

The following appeal was **Dismissed:**

Calendar No. 03-326: 3930 East 131st Street

Mahmoud Zayed appealed to establish use as a grocery store a 26' x 78' one-story brick building in a Local Retail Business District and in a Two-Family District.

On Monday, February 2, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, January 26, 2004, and said decisions were approved and adopted in Executive Session on Monday, February 2, 2004:

The following appeals were **Approved:**

Calendar No. 03-346: 1194 East 79th Street

The Shiloh Temple House of God appealed to construct a 114' x 120' parking lot in a General Retail Business District.

Calendar No. 03-275: 15255 Triskett Road

Ohio Leitina Company and Family Video appealed to construct a video rental store and parking lot in a General Retail Business and Multi-Family District.

The following appeals were **Denied:**

Calendar No. 03-348: Appeal of Abdisalam Abdi Hack License Suspension

Abdisalam Abdi appealed from the suspension of a City of Cleveland Hack License issued by the Commissioner of Assessments and Licenses.

Calendar No. 03-314: 9410-14 Lorain Avenue

Albert Coreno, owner, and Yousif Hamdeh, tenant, appealed from a Violation Notice issued by the Building and Housing Department for illegal conversion of the premises in a Local Retail Business District.

The following appeal heard by the Board on December 22, 2003 was adopted and approved by the Board on February 2, 2004:

The following appeal was **Approved:**

Calendar No. 03-324: 13540 Lorain Avenue

Elizabeth Hlavinkas appealed to change the use of a one-story commercial building to a day care facility located in a General Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of January 28, 2004

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

* * *

Docket A-107-03.

RE: Appeal of Joseph Freund & Rubin Freund, Owners of the Property located on the premises known as 3339 West 65th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled in thirty (30) days; February 25, 2004.

* * *

Docket A-108-03.

RE: Appeal of Ricardo B. Teamor, Owner of the Property located on the premises known as 3000 Woodhill Road from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 31, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled in thirty (30) days; February 25, 2004.

* * *

Docket A-117-03.

RE: Appeal of Knights Center Corporation, Owner of the Property located on the premises known as 840 Huron Road from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 29, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time, Appellant will submit a letter within twenty (20) days to the Board stating that they will comply with the code violations, or would they like to have another hearing based on new evidence.

* * *

Docket A-130-03.

RE: Appeal of Susan S. Slaughter, Owner of the Two & One-half Story Frame Residential Property located on the premises known as 14101 Woodworth Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Department of Building and Housing, dated October 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-130-03 have been POSTPONED; to be rescheduled for February 11, 2004.

* * *

Docket A-132-03.

RE: Appeal of Global Builders & Jessie Johnson, Owners of the One & One-half Story Brick Residential Property located on the premises known as 13121 Terminal Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE of the Commissioner of the Department of Building and Housing, dated October 15, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time, the docket will remain open for any future appeals.

* * *

Docket A-134-03.

RE: Appeal of Male House I. LLC, Owner of the Two & One-half Story Frame Mixed Use Property located on the premises known as 6031 St. Clair Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Department of Building and Housing, dated October 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in two (2) weeks when the inspector can be present.

* * *

Docket A-135-03.

RE: Appeal of Marc Glassman, Inc., Owner of the Property located on the premises known as 15030 Puritas Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated October 29, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action at this time by the Board, the Fire Prevention Bureau will re-inspect the property.

* * *

Docket A-138-03.

RE: Appeal of Shiloh Temple House Of God, Owner of the Property located on the premises known as 1178 East 79th Street from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated November 18, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-138-03 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-139-03.

RE: Appeal of James W. Romantic, Owner of the Property located on the premises known as 1700 Barber Avenue from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated November 11, 2003,

requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, in view of the testimony from the Fire Prevention Bureau, a motion is in order at this time to DENY the Appellant's appeal request for a permit for the unit and to REMAND the property at 1700 Barber Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-3-04.

RE: Appeal of Chester Partyka C/O Driver's Auto Mart Inc., Owner of the Property located on the premises known as 7512 Broadway Avenue from an ORDER TO VACATE/ORDER TO CEASE ILLEGAL USE of the Commissioner of the Department of Building and Housing, dated January 15, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 7512 Broadway Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-7-04.

RE: Appeal of James J. DeCaprio, Owner of the Property located on the premises known as 15233 Triskett Road from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated December 19, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variance and permit the awing to be installed as presented in the photographs and sketches, noting the concurrence of the City and it's compliance with the Planning Commission. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders 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 Basic Building Code (OBBC):

A-123-03—Kay Finney/Kemish Mampango.

A-133-03—Joseph Coreno.

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

* * *

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

A-142-03—C.W.R.U.
A-143-03—C.W.R.U.

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

* * *

APPROVAL OF MINUTES:

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

January 14, 2004

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

* * *

EUGENE CRANFORD, JR.,
Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

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

ity 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."

FRIDAY, FEBRUARY 13, 2004

Maplewood Park Concession Facility, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-03, 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**, THURSDAY, FEBRUARY 5, 2004 AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM #517, CLEVELAND, OHIO 44114.

Office Panels/Workstations, for the Office of Workforce Development, Department of Economic Development, as authorized by Ordinance No. 1518-03, passed by the Council of the City of Cleveland, November 17, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 5, 2004 AT 10:00 A.M., 1701 EAST 13TH STREET, CLEVELAND, OHIO 44114.

January 28, 2004 and February 4, 2004

WEDNESDAY, FEBRUARY 18, 2004

Cleaning and Cement Mortar Lining Area-A 2004, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2308-03, 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 ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 6, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Labor & Materials to Maintain, Repair and Replace Substation Equipment, for the Division of

Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 999-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 10, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. **THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

January 28, 2004 and February 4, 2004

FRIDAY, FEBRUARY 20, 2004

Cleaning and Cement Mortar Lining Area-B 2004, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2308-03, 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 ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 6, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 28, 2004 and February 4, 2004

FRIDAY, FEBRUARY 27, 2004

Ford Passenger/Police Car Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1981-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, FEBRUARY 9, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Remanufactured Auto/Light Truck Transmissions, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1974-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, FEBRUARY 9, 2004 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

January 28, 2004 and February 4, 2004

WEDNESDAY, FEBRUARY 18, 2004

Thurgood Marshall Recreation Center, Helen Simpson Park & Orr Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1748-99 and 1114-02,

passed by the Council of the City of Cleveland, April 17, 2000 and June 17, 2002, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 12, 2004 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.**

February 4, 2004 and February 11, 2004

THURSDAY, FEBRUARY 19, 2004

Keypunch Services, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 2303-03, passed by the Council of the City of Cleveland, November 24, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 12, 2004 AT 10:00 A.M., CENTRAL COLLECTION AGENCY, 1701 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.**

February 4, 2004 and February 11, 2004

WEDNESDAY, FEBRUARY 25, 2004

Labor & Materials Necessary to Maintain and Repair Air Conditioning Systems, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1163-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, WEDNESDAY, FEBRUARY 18, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

February 4, 2004 and February 11, 2004

THURSDAY, FEBRUARY 26, 2004

Rehabilitation of Kinsman Road from East 93rd Street to East Corp. Line, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance Nos. 482-02, 1530-02 and 990-03, passed by the Council of the City of Cleveland, May 13, 2002, November 25, 2002 and June 10, 2003, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, TUESDAY, FEBRUARY 17, 2004 AT 2:00 P.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

February 4, 2004 and February 11, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2434-03.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the public use of extending Bessemer Avenue.

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 extending Bessemer Avenue, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property:

Exhibit 'A'
 PID 20329
BESSEMER AVENUE EXTENSION PARCEL 4-T1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot No. 325, further bounded and described as follows:

Commencing at an iron pipe found in the centerline of East 65th Street (66 feet wide) at its intersection with the centerline of Bessemer Avenue (70 feet wide), said point being at East 65th Street centerline Station 10+00.00 as shown by the Bessemer Avenue Extension Plans dated January 14, 2003 on file at the City of Cleveland, Division of Engineering and Construction;

Thence North 01° 10' 44" West a distance of 186.94 feet to a point lying at East 65th Street centerline Station 11+86.94;

Thence South 88° 49' 16" West a distance of 33.00 feet to a point in the Easterly line of lands conveyed to Richard M. Berg and Douglas Link Properties by deed recorded in Volume 87-0841 - Page 31 of the Cuyahoga County Records and the principal place of beginning. Said point lying 33.00 feet left of East 65th Street Station 11+86.94;

Thence along the arc of a curve deflecting to the right and having an arc distance of 76.99 feet, a radius of 35.00 feet and chord bearing South 61° 50' 04" West, 62.38 feet to a point of reverse curvature lying 30.00 feet left of Bessemer Avenue centerline Station 98+34.34;

Thence along the arc of a curve deflecting to the left and having an arc distance of 247.16 feet, a radius of 412.00 feet and chord bearing North 72° 20' 17" West, 243.47 feet to a point of tangency lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence South 89° 31' 23" East a distance of 67.55 feet to a point of curvature;

Thence along the arc of a curve deflecting to the right and having an arc distance of 86.87 feet, a radius of 417.50 feet and chord bearing South 74° 15' 16" East, 86.71 feet to a point of tangency;

Thence South 66° 49' 47" East a distance of 54.85 feet to a point;

Thence South 58° 57' 39" East a distance of 54.03 feet to a point of curvature;

Thence along the arc of a curve deflecting to the left and having an arc distance of 51.41 feet, a radius of 30.86 feet and chord bearing North 50° 31' 46" East, 45.67 feet to a point;

Thence North 34° 19' 29" East a distance of 6.89 feet to a point lying 33.00 feet left of East 65th Street centerline Station 11+92.55;

Thence South 01° 10' 44" East a distance of 5.61 feet to the principal place of beginning and containing an area of 0.038 acres more or less but subject to all legal highways.

The above-described parcel is Auditor's Parcel Number 125-07-007.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.

Exhibit 'A'
 PID 20329
BESSEMER AVENUE EXTENSION PARCEL 4-WD

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot No. 325, further bounded and described as follows:

Commencing at an iron pipe found in the centerline of East 65th Street (66 feet wide) at its intersection with the centerline of Bessemer Avenue (70 feet wide), said point being at East 65th Street centerline Station 10+00.00 as shown by the Bessemer Avenue Extension Plans dated January 14, 2003 on file at the City of Cleveland, Division of Engineering and Construction; thence South 01° 10' 44" East a distance of 9.80 feet to a point lying at East 65th Street centerline Station 9+90.20;

Thence South 88° 49' 16" West a distance of 33.00 feet to a point in the easterly line of lands conveyed to Richard M. Berg and Douglas Link Properties by deed recorded in Volume 87-0841, Page 31 of Cuyahoga County Records and the principal place of beginning. Said point lying 33.00 feet left of East 65th Street Station 9+90.20;

Thence along the arc of a curve deflecting to the left and having an arc distance of 57.14 feet, a radius of 100.00 feet and chord bearing North 22° 53' 45" West, 56.37 feet to a point of compound curvature lying 30.00 feet right of Bessemer Avenue centerline Station 99+40.26;

Thence along the arc of a curve deflecting to the left and having an arc distance of 308.77 feet, a radius of 352.00 feet and chord bearing North 64° 23' 41" West, 298.96 feet to a point of tangency lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence North 89° 31' 23" West a distance of 514.58 feet to a point lying 30.00 feet right of Bessemer Avenue centerline Station 90+90.60;

Thence North 01° 11' 26" West a distance of 60.03 feet to a point

lying 30.00 feet left of Bessemer Avenue centerline Station 90+90.60; Thence South 89° 31' 23" East a distance of 516.32 feet to a point of curvature lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence along the arc of a curve deflecting to the right and having an arc distance of 247.16 feet, a radius of 412.00 feet and chord bearing South 72° 20' 17" East, 243.47 feet to a point of compound curvature lying 30.00 feet left of Bessemer Avenue centerline Station 98+34.34;

Thence along the arc of a curve deflecting to the left and having an arc distance of 76.99 feet, a radius of 35.00 feet and chord bearing North 61° 50' 04" East, 62.38 feet to a point of tangency lying 33.00 feet left of East 65th Street centerline Station 11+86.94;

Thence South 01° 10' 44" East a distance of 196.74 feet to the principal place of beginning and containing an area of 1.196 acres more or less but subject to all legal highways.

The above described parcel is Auditor's Parcel Number 125-07-007.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.

Exhibit 'A'

PID 20329

**BESSEMER AVENUE EXTENSION
PARCEL 4-T2**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot No. 325, further bounded and described as follows:

Commencing at an iron pipe found in the centerline of East 65th Street (66 feet wide) at its intersection with the centerline of Bessemer Avenue (70 feet wide), said point being at East 65th Street centerline Station 10+00.00 as shown by the Bessemer Avenue Extension Plans dated January 14, 2003 on file at the City of Cleveland, Division of Engineering and Construction;

Thence South 01° 10' 44" East a distance of 9.80 feet to a point lying at East 65th Street centerline Station 9+90.20; thence South 88° 49' 16" West a distance of 33.00 feet to a point in the easterly line of lands conveyed to Richard M. Berg and Douglas Link Properties by deed recorded in Volume 87-0841, Page 31 of the Cuyahoga County Records and the principal place of beginning. Said point lying 33.00 feet left of East 65th Street Station 9+90.20;

Thence along the arc of a curve deflecting to the left and having an arc distance of 57.14 feet, a radius of 100.00 feet and chord bearing North 22° 53' 45" West, 56.37 feet to a point of compound curvature lying 30.00 feet right of Bessemer Avenue centerline Station 99+40.26;

Thence along the arc of a curve deflecting to the left and having an arc distance of 308.77 feet, a radius of 352.00 feet and chord bearing North 64° 23' 41" West, 298.96 feet

to a point of tangency lying 30.00 feet left of Bessemer Avenue centerline Station 96+05.18;

Thence North 89° 31' 23" West a distance of 514.58 feet to a point lying 30.00 feet right of Bessemer Avenue centerline Station 90+90.60;

Thence South 01° 11' 26" East a distance of 7.02 feet to a point;

Thence South 85° 17' 27" East a distance of 9.08 feet to a point;

Thence South 88° 38' 39" East a distance of 115.32 feet to a point;

Thence South 89° 31' 23" East a distance of 384.89 feet to a point;

Thence South 78° 53' 38" East a distance of 133.05 feet to a point;

Thence South 58° 20' 50" East a distance of 90.39 feet to a point;

Thence South 46° 09' 31" East a distance of 90.35 feet to a point;

Thence South 36° 03' 03" East a distance of 25.10 feet to a point;

Thence South 13° 23' 57" East a distance of 18.56 feet to a point;

Thence South 80° 18' 21" West a distance of 11.18 feet to a point;

Thence South 01° 10' 26" East a distance of 24.74 feet to a point;

Thence North 89° 00' 20" East a distance of 16.00 feet to a point lying 33.00 feet left of Bessemer Avenue centerline Station 9+67.06 of East 65th Street as shown in the plans of Bessemer Avenue Extension;

Thence North 01° 10' 44" East a distance of 23.14 feet to the principal place of beginning and containing an area of 0.136 acres more or less and subject to all legal highways.

The above described parcel is Auditor's Parcel Number 125-07-007.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.

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

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

Adopted January 26, 2004.

Effective January 28, 2004.

Res. No. 105-04.

By Council Member Britt.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 9209 Quincy Avenue and repealing Resolution No. 1287-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 9209 Quincy Avenue by Resolution No. 1287-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Abed Abuhamdeh, President, 9209 Quincy, Inc., DBA Sammor Corner, 9209 Quincy Avenue, Cleveland, Ohio 44106, Permanent Number 6416769, a copy of which is in the file for this address with the City Law Department; 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 9209 Quincy, Inc., DBA Sammor Corner, 9209 Quincy Avenue, Cleveland, Ohio 44106 Permanent Number 6416769 be and the same is hereby withdrawn and Resolution No. 1287-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 26, 2004.

Effective January 28, 2004.

Res. No. 106-04.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue and repealing Resolution No. 1305-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 18029 Euclid Avenue by Resolution No. 1305-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Roosevelt Coats and Applicant, Samuel Jemison, President of JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791, a copy of which is in the file for this address with the City Law Department; 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 D1, D2, D3 and D3A Liquor Permit to JRH, Inc., DBA Johnny & Co., 18029

Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 be and the same is hereby withdrawn and Resolution No. 1305-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Res. No. 107-04.

By Council Member Johnson.

An emergency resolution withdrawing objections to the transfer of ownership and renewal of a C2 and C2X Liquor Permit at 9621 Mt. Auburn Road, 1st Floor and Basement and repealing Resolution Nos. 1761-02 and 1321-03, objecting to said transfer and renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Floor and Basement by Resolution No. 1761-02 adopted by the Council on September 9, 2002 and Resolution No. 1321-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objections to the above transfer and renewal and consents to said transfer and renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Applicant, Sshadi Banna, President, East 97th Food Market, Inc., DBA Eastside Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 2403466-0005, a copy of which is in the file for this address with the City Law Department; 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 East 97th Food Market, Inc., DBA Eastside Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 2403466-0005 be and the same is hereby withdrawn and Resolution Nos. 1761-02 and 1321-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer and renewal thereof.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Res. No. 108-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 14510 Kinsman Avenue and repealing Resolution No. 1349-03, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 14510 Kinsman Avenue by Resolution No. 1349-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670 be and the same is hereby withdrawn and Resolution No. 1349-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Res. No. 117-04.

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

An emergency resolution declaring this Council's support of the "Women Honoring Women" movement to obtain more than 10 million signatures supporting the declaration of Rosa Parks' birthday as a national holiday.

Whereas, "Women Honoring Women" is an organization that was formed for the sole purpose of promoting a campaign to declare a national holiday that honors a woman; and

Whereas, all national holidays currently honor men; and

Whereas, Rosa Parks refused to give up her seat to a white person on a Montgomery Alabama bus and this refusal sparked the bus boycott that later led to the Civil Rights Movement in this country; and

Whereas, this heroic action by Rosa Parks is worthy of honor; and

Whereas, Rosa Parks continues to dedicate her life to the cause of universal human rights; and

Whereas, "Women Honoring Women" is proposing that the United States Congress proclaim a national holiday on Rosa Parks' birthday, February 4th, to honor her as American hero while she still lives, to give recognition to a female hero,

and to celebrate the powerful impact that one person's activities can have in the world; and

Whereas, "Women Honoring Women" is working to obtain more than 10 million signatures in support of declaring Rosa Parks' birthday, February 4th, a national holiday; 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 declares its support of the "Women Honoring Women" movement to obtain more than 10 million signatures supporting the declaration of Rosa Parks' birthday, February 4th, a national holiday.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Res. No. 118-04.

By Council Members Conwell and Pierce Scott.

An emergency resolution declaring Cleveland City Council's support of the proposal of Northeastern Neighborhood Development Corporation HDAP Homes to the Ohio Housing Finance Agency for the use of Housing Development Assistance Program funds to develop affordable for-sale housing units in the city of Cleveland.

Whereas, each year the Ohio Housing Finance Agency allocates funding for affordable housing developments throughout Ohio using a competitive proposal process; and

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

Whereas, Northeastern Neighborhood Development Corporation HDAP Homes is proposing to develop up to eleven (11) new single-family homes in the city of Cleveland by utilizing the Housing Development Assistance Program ("HDAP"); and

Whereas, one hundred percent (100%) of these units will be sold to and occupied by families with incomes at or below eighty percent (80%) of the area median income; and

Whereas, the Northeastern Neighborhood Development Corporation HDAP Homes project will benefit the citizens of the City; and

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

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

Section 1. That the Council of the city of Cleveland supports the proposal of Northeastern Neighborhood Development HDAP Homes to provide affordable housing for the cit-

izens of Cleveland through the use of funding from the Housing Development Assistance Program of the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of Cleveland Housing Network.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Res. No. 120-04.

By Council Members Zone, Jackson, Johnson, Gordon, Britt, Coats, Cimperman, Westbrook, Polensek, Brady, White, O'Malley, Reed, Lewis, Jones and Conwell.

An emergency resolution urging Senator George Voinovich to reconsider introducing amendments to Senate Bill 1072, which would diminish or even eliminate statutory environmental protections for parks, wildlife areas and historic sites across the country in the name of speeding up delivery of highway transportation projects.

Whereas, Senate Bill 1072, the reauthorization of the Transportation Equity Act for the 21st Century ("TEA-21"), currently allows highway construction to impact parks, wildlife refuges and historic sites only if there is no prudent or feasible alternative; and

Whereas, Senator George Voinovich wants to introduce amendments to Senate Bill 1072, specifically to Section 4(f), to "streamline the environmental review process" to speed up delivery of highway projects; and

Whereas, these amendments to Section 4(f) would actually reduce or even eliminate hard fought statutory environmental protections for public parks, historic sites and wildlife refuges during highway construction; and

Whereas, in reality, no more than 8% of projects have been delayed by historic, cultural, or environmental reviews currently mandated by the TEA-21; and

Whereas, many states have made progress using existing laws and regulations, including Section 4(f), and have delivered highway projects in a timely manner, without sacrificing environmental concerns; and

Whereas, it is important to maintain the statutory protection that our historic sites, wildlife refuges and parks have had in the past; and

Whereas, while there is legitimate interest in streamlining highway project delivery, improvements may be found by changing other areas of federal law, not by eliminating environmental protections desperately needed by the nation's parks, historic sites and wildlife refuges; and

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

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

Section 1. That this Council hereby urges Senator George Voinovich to reconsider introducing amendments to Senate Bill 1072, which would diminish, or even eliminate, statutory environmental protections for parks, wildlife areas and historic sites across the country in the name of speeding up delivery of highway transportation projects.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Senator George Voinovich, Senator Mike DeWine, the National Recreation and Park Association, ParkWorks, the National League of Cities and the Ohio Municipal League.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Res. No. 121-04.

By Council Members Cintron, Coats and Brady.

An emergency resolution strongly urging the Pension Benefit Guarantee Corporation to suspend any plans to avoid payment of pensions promised to former Republic Technologies International employees and strongly urging the Pension Benefit Guarantee Corporation not to appeal the federal court decision on this matter.

Whereas, this Council adopted Resolution No. 1434-02 on July 17, 2002 urging the Pension Benefit Guarantee Corporation to pay steelworkers who contributed to the Republic Technologies International Pension Plan shutdown benefits as such benefits were earned by the steelworkers; and

Whereas, a federal judge has ruled in favor of paying shutdown benefits to the steelworkers; and

Whereas, the Pension Benefit Guarantee Corporation plans to appeal this ruling; and

Whereas, many families were forced to postpone their retirement and other plans for their families during the wait for pension payments; and

Whereas, many families are struggling to make ends meet as they have not received the benefits they earned; and

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

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

Section 1. That this Council strongly urges the Pension Benefit Guarantee Corporation to suspend any plans to avoid payment of pensions promised to former Republic Technologies International employees and strongly urges the Pension Benefit Guarantee Corporation not to appeal the recent federal court decision on this matter as such

appeal would result in unnecessary expenses for American taxpayers.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to George W. Bush, President of the United States, and Elaine L. Chao, Secretary, United States Department of Labor.

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

Adopted January 26, 2004.
Effective January 28, 2004.

Ord. No. 1520-03.

By Council Members Brady, Britt, Cintron, O'Malley and Polensek.

An ordinance to repeal Sections 699.01 through 699.18 and 699.99 as enacted or amended by various ordinances of the Codified Ordinances of Cleveland, Ohio, 1976 relating to Picture Arcades and Live Viewing Booths; and to enact new Sections 237.01 through 237.09 and 237.99 relating to Adult Video Arcades and Adult Live Entertainment Arcades.

Whereas, sexually oriented businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the communities where they locate, and

Whereas, the City Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

Whereas, the concern over sexually transmitted diseases is a legitimate health concern of the city that demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

Whereas, File No. 1520-03-A, contains evidence concerning the adverse secondary effects of adult uses on the community presented in reports made available to the City Council, and on findings incorporated in the cases of *City of Erie v. Pap's A.M.*, 529 U.S. 277, 146 L. Ed. 2d 265, 120 S. Ct. 1382 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Doe v. City of Minneapolis*, 898 F. 2d 612 (8th Cir. 1990); *Ellwest Stereo Theatres, Inc. v. Wenner*, 681 F. 2d 1243 19th Cir. 1982); *Ellwest Stereo Theater, Inc. v. Boner*, 718 F. Supp. 1553 (M.C. Tenn. 1989); *Broadway Books, Inc. v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Doe v. City of Minneapolis*, 693 F. Supp. 774 (D. Minn 1988); and *City of Lincoln v. ABC Books, Inc.*, 238 Neb. 378, 470 N.W. 2d 760 (Nebraska 1991), as well as studies conducted in other cities including, but not limited to, Tucson City, Arizona, findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), and statistics obtained from the U.S. Department of Health and Human

Services, Centers for Disease Control and Prevention; and

Whereas, these studies show that:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises;

(2) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. *See, e.g. California v. LaRue*, 409 U.S. 109, 111 (1972);

(3) Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions. *See, e.g. Final Report of the Attorney General's Commission on Pornography* (1986) at 376-77;

(4) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses. *See, e.g. Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); see also *Final Report of the Attorney General's Commission on Pornography* (1986) at 376-77;

(5) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A Non B amebiasis, salmonella infections, and shigellosis infections. *See, e.g. Study of Fort Meyers, Florida*;

(6) As of December, 2000, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 774,467. *See, e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at www.cdc.gov*;

(7) As of March, 2003, there have been 12,698 reported cases of AIDS in the State of Ohio. *See Ohio Department of Health Quarterly Statistical Summary for March 2003 at www.odh.state.oh.us*;

(8) The total number of cases of genital chlamydia trachomatis infections in the United States reported in 2000 was 702,093 an 6% increase over the year 1999. *See e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at www.cdc.gov*;

(9) The total number of cases of syphilis in the United States reported during the year 2000 was up 2.1% from 1999. *See, e.g. statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at www.cdc.gov*;

(10) The number of cases of gonorrhea in the United States reported annually remains at a high level, with a total of 361,705 cases reported during 2001. Gonorrhea is the second most frequently reported communicable disease in the United States. *See, e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at www.cdc.gov*;

(11) The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn;

(12) According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. *See, e.g. Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention at www.cdc.gov*;

(13) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities. *See, e.g., Final Report of the Attorney General's Commission on Pornography* (1986) at 377;

(14) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where person view "adult" oriented films. *See, e.g., Final Report of the Attorney General's Commission on Pornography* (1986) at 377;

Whereas, these findings raise substantial governmental concerns; and

Whereas, sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns; and

Whereas, removal of doors on adult booths, along with requiring the interior to be visible from the outside, and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments by eliminating private areas where it can occur; and

Whereas, the general welfare and health of the citizens of this City will be promoted by enactment of this ordinance; and

Whereas, the City Council wants to prevent these adverse effects and protect the health, safety and welfare of the citizenry; and

Whereas, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the health problems associated with sexually oriented businesses; and

Whereas, it is not the intent of the City Council to condone or legitimize the distribution of obscene materials, and the Council recognizes that state and federal laws prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities in the City of Cleveland; 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 699.01 through 699.04, as enacted by Ordinance No. 1890-91, passed March 9, 1992,

Section 699.05 as enacted by Ordinance No. 1196-92, passed May 18, 1992,

Sections 699.06 through 699.16, as enacted by Ordinance No. 1890-91, passed March 9, 1992,

Section 699.17, as enacted by Ordinance No. 1196-92, passed May 18, 1992,

Section 699.18, as enacted by Ordinance No. 1890-91, passed March 9, 1992,

Section 699.99, as enacted by Ordinance No. 90-96, passed March 18, 1996, are repealed.

Section 2. That within ten (10) days of the passage of this legislation, the Director of Public Health shall send a notice, by certified and regular mail, to all Adult Video Arcades and Adult Live Entertainment Arcades located in the City of Cleveland, informing them of the passage of this legislation and providing them with a copy of this legislation.

Section 3. That lawfully established Adult Video Arcades and Adult Live Entertainment Arcades in existence on the date of the passage of this legislation will have until August 1, 2004, to come into compliance with the law. All other businesses must be in compliance from the effective date of this legislation.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 237.01 through 237.09 and 237.99 to read as follows:

CHAPTER 237 Adult Video Arcades and Adult Live Entertainment Arcades

Section 237.01 Purpose and Findings

Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health, and general welfare of the citizens of the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

Section 237.02 Definitions

(a) The words in this Chapter shall have the meaning given to them in 347.07 of the Cleveland Codified Ordinances.

(b) "Operator" means a person who owns, controls, operates, or maintains a Adult Video Arcade or Adult Live Entertainment Arcade.

Section 237.03 Configuration

No person shall operate an Adult Video Arcade or an Adult Live Entertainment Arcade unless the Arcade complies with the following requirements:

(a) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(b) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of the entire area of the premises, including the interior of any enclosed spaces to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises, including the interior of any enclosed spaces to which any patron is permitted access for any purpose, from all of the manager's stations combined. The view required in this subsection must be by direct line of sight from the manager's station. The interior of every Arcade shall also be visible from a well-illuminated continuous main aisle.

(c) The requirement for an unobstructed view into all of the premises does not include restrooms. Restrooms may not contain video-reproduction equipment and shall not be used for viewing videos.

(d) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in division (b) of this section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no patron is permitted access to any area of the premises that does not comply with this requirement.

(e) The premises shall be equipped with overhead-lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at the floor level.

(f) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(g) No viewing room or booth may be occupied by more than one person at any time.

(h) No opening of any kind shall exist between viewing rooms or booths.

(i) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booth or room, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

(j) The operator of the sexually oriented business, either personally or through an agent or employee, shall regularly during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(k) The operator of the sexually oriented business, either personally or through an agent or employee, shall regularly during each business day clean the viewing booths.

(l) The operator of the sexually oriented business, either personally or through an agent or employee, shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(m) The operator of the sexually oriented business, either personally or through an agent or employee, shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.

Section 237.04 Minors Prohibited; When

(a) No unmarried person under eighteen (18) years of age shall enter any part of an Arcade in that all of the booths are used to present filmed, taped, or live entertainment which is characterized by its emphasis on specified sexual activities or specified anatomical areas.

(b) If fewer than all of the booths in an Arcade are used to present filmed, taped, or live entertainment that is characterized by its emphasis on specified sexual activities or specified anatomical areas, no unmarried person under eighteen (18) years of age shall enter any of the booths that are used in this way.

(c) No operator, either personally or through an agent or employee, shall permit any unmarried person under eighteen (18) years of age to enter a picture arcade in violation of division (a) of this section or a booth in violation of division (b) of this section.

Section 237.05 Responsibility of the Operator

Every act or omission of an agent or employee that constitutes a violation of any provision of this chapter shall be deemed the act or omission of the operator if such act or omission occurs with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the agent's or employee's conduct. The operator shall also be punished for such act or omission in the same manner as if the operator committed the act or caused the omission.

Section 237.06 Applicability of Chapter

The applicability of this chapter shall not be avoided by the the Arcade's use or maintenance of a membership or club format or of any similar form of doing business.

Section 237.07 Nuisance

Any Adult Video Arcade or Adult Live Entertainment Arcade or any part of any Adult Video Arcade or Adult Live Entertainment Arcade

that is operated in violation of the provisions of this chapter is declared to be a nuisance and the City shall be authorized to seek an injunction to prohibit it from maintaining the nuisance.

Section 237.08 Severability

If any provision of this chapter is held unconstitutional, invalid, or unenforceable, the unconstitutional, invalid, or unenforceable provision shall be considered severable from the remainder of this chapter. It is declared that each division, sentence, clause, phrase, or portion of a division, sentence, clause, or phrase would have been adopted notwithstanding the unconstitutionality, invalidity, or unenforceability of any other portion of this chapter.

Section 237.99 Penalties

Any person who violates any of the provisions of this chapter, other than division (c) of Section 237.04, shall be guilty of a misdemeanor of the fourth degree. Any operator who, personally or through an agent or employee, permits a minor to enter an Adult Video Arcade or an Adult Live Entertainment Arcade or booth in violation of division (c) of Section 237.04 shall be guilty of a misdemeanor of the first degree. Each day upon which any violation occurs or continues shall constitute a separate offense.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed January 26, 2004.
Effective March 6, 2004.

Ord. No. 2092-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, for a period of two years.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, 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 Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 136680)

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

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 2137-03.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental and laundry of work clothing, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of the rental and laundry of work clothing in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 provi-

sion is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104776)

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 2237-03.

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

An emergency ordinance to amend the title of Ordinance No. 1176-03, passed July 16, 2003; to supplement the ordinance by adding new Section 2; and to renumber existing Sections 2 and 3 to new Sections 3 and 4, relating to one or more contracts without competitive bidding for the purchase of computer hardware maintenance, for the Departments of Community Development and Building and Housing.

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 of Ordinance No. 1176-03, passed July 16, 2003, is amended to read as follows:

An emergency ordinance authorizing the directors of Community Development and Building and Housing to enter into one or more contracts without competitive bidding with Hewlett-Packard Co. and Progress Software for the purchase of computer hardware and software maintenance, for the Departments of Community Development and Building and Housing, for a period not to exceed two years.

Section 2. That the existing title of Ordinance No. 1176-03, passed July 16, 2003, is repealed.

Section 3. That Ordinance No. 1176-03, passed July 16, 2003, is supplemented by adding new Section 2 to read as follows:

Section 2. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Progress Software. Therefore the Directors of Community Development and Building and Housing are authorized to make one or more written contracts with Progress Software for maintenance on ACES software for a period not to exceed two years, to be purchased by the Commissioner of Purchases and supplies for a gross price for

the Departments of Community Development and Building and Housing.

Section 4. That existing Sections 2 and 3 of Ordinance No. 1176-03, passed July 16, 2003, are renumbered to new "Section 3" and "Section 4".

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 2325-03.

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

An emergency ordinance to amend the title and the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, relating to an Enterprise Zone Agreement with Gebauer Company.

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 the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Avenir Properties, LLC, to provide for a ten year seventy-five percent tax abatement for certain tangible personal property and real property as an incentive to assist with the company's development of a new manufacturing and distribution facility at the Ashland Oil property located at East 146th Street and Velma Avenue in the Cleveland Area Enterprise Zone.

Whereas, Avenir Properties, LLC (the "Enterprise") has proposed to develop a new manufacturing and distribution facility at the Ashland Oil property located at East 146th Street and Velma Avenue in the Cleveland Area Enterprise Zone; and

Section 2. That the existing title and the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, 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.

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 2340-03.

By Council Member Polensek.

An ordinance to change the zoning of properties in the Euclid Beach Park Subdivision north of Lake Shore Boulevard to the Shoreline of Lake Erie between East 164th and East 169th Streets from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area District to an "A" Area District (Map Change No. 2101, Sheet No. 7).

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

Section 1. That the Use and Area District of lands described as follows:

Beginning on the Centerline of Lake Shore Boulevard (80 feet wide) at its Intersection with the Southerly prolongation of the irregular Westerly line of a parcel of land conveyed to Euclid Beach L.P., a Texas Limited Partnership, by instrument dated December 19, 1997, recorded in Volume 97-13149, Page 45 of Cuyahoga County Records, and also known as P.P.N. 113-01-001;

Thence Northerly along said Southerly prolongation, the irregular Westerly line, and its Northerly prolongation to its Intersection with the Shoreline of Lake Erie;

Thence Northeasterly along said Shoreline of Lake Erie to its Intersection with the Northwesterly prolongation of the irregular Northeasterly line of P.P.N. 113-01-001, aforesaid;

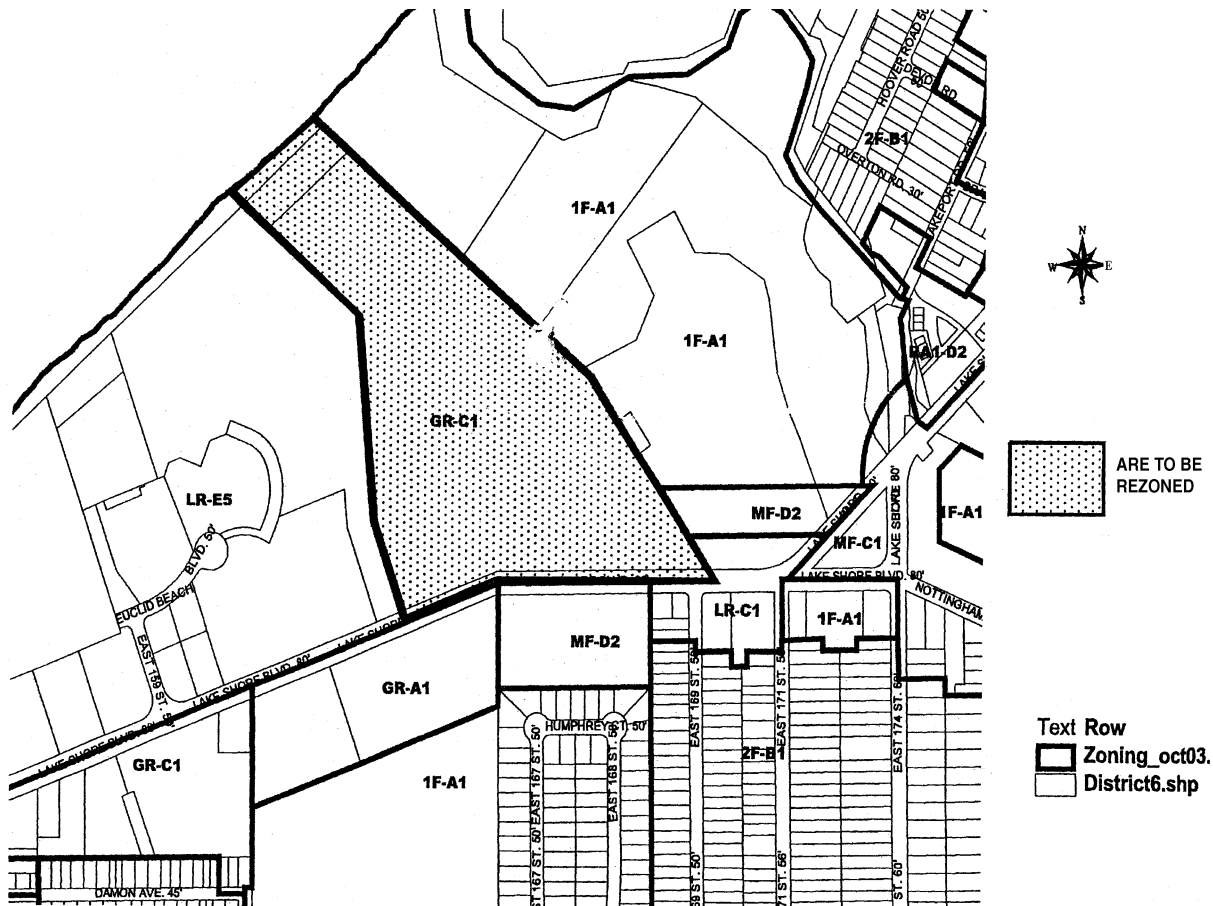
Thence Southeasterly along said Northwesterly prolongation, the irregular Northeasterly line, and its Southeasterly prolongation to its Intersection with the Centerline of Lake Shore Boulevard, aforesaid;

Thence Westerly along the Centerline of Lake Shore Boulevard to the place of beginning, and as outlined and shaded on the attached map is changed from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area to an "A" Area.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2101, Sheet No. 7, 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.

Proposed rezoning of property located North of Lake Shore Boulevard, near the Euclid Beach Lakefront State Park from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area District to an "A" Area District (Map Change No. 2101, Sheet No. 7).



Passed January 26, 2004.
Effective March 6, 2004.

Ord. No. 2405-03.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Loftworks, LLC to provide economic development assistance to partially finance the interior renovation of a live/work building located at 1667 East 40th Street, and all other associated costs to redevelop the property located in Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Loftworks, LLC to provide economic development assistance to partially finance the interior renovation of a live/work building located at 1667 East 40th Street, and all other associated costs to redevelop the property located in Cleveland, Ohio.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 2405-03-A.

Section 3. That the costs of the contract shall not exceed One Hundred Thousand Dollars (\$100,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103605.

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 security instrument 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. 17 SF 006.

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 Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction.

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.

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 2436-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Cuyahoga County Department of Justice Affairs for the Program Rehabilitation and Restitution Program, Ohio Second Chance Program, for Workforce 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 Economic Development is authorized to apply for and accept a grant in the amount of \$45,000, from Cuyahoga County Department of Justice Affairs to conduct the Program Rehabilitation and Restitution Program, Ohio Second Chance Program, for Workforce Development; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 2436-03-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 2439-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Cuyahoga County Employment and Family Services for the Employment and Family Services Neighborhood Family Services Program, for Workforce Development; and authorizing an agreement with the County of Cuyahoga to implement the program.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$95,000, from Cuyahoga County Employment and Family Services to conduct the Employment and Family Services Neighborhood Family Services Program, for Workforce Development;

that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the draft agreement for the grant contained in the file described below.

Section 2. That the draft agreement for the grant, File No. 2439-03-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Economic Development is authorized to enter into an agreement with the County of Cuyahoga to implement the program as described in the file.

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 100-04.

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

An emergency ordinance authorizing the Director of Public Safety to accept services and goods donated by the Cleveland Mounted Police Charitable Trust to care for any and all animals owned by the City of Cleveland and housed at the Cleveland Mounted Unit Stables.

Whereas, the Cleveland Mounted Police Charitable Trust ("Trust") wishes to donate services and goods to the City to care for any and all animals owned by the City of Cleveland and housed at the Cleveland Mounted Unit Stables; and

Whereas, the Division of Police, Department of Public Safety wishes to accept these services and goods; 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 accept the donation of services and goods from the Trust for the care of any and all animals owned by the City of Cleveland and housed at the Cleveland Mounted Unit Stables. The Director of Public Safety is authorized to execute all documents necessary to receive the services and goods.

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 101-04.

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

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 2336-03, passed December 15, 2003, as amended, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge, Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge, and the West 74th Street Bridge.

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. 2336-03, passed December 15, 2003, as amended by Ordinance No. 1301-97, passed August 13, 1997, and Ordinance No. 2024-2000, passed December 18, 2000, are amended to read as follows:

An emergency ordinance to amend Section 1 of Ordinance No. 1301-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge, Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge, and the West 74th Street Bridge.

Section 1. That Section 1 of Ordinance No. 1301-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, is amended to read as follows:

Section 1. That this Council authorizes payment to the State of Ohio and the County of Cuyahoga of the City's share of the cost of rehabilitating and reconstructing West 53rd Street Bridge over N/S and RTA, Denison Avenue Bridge over Conrail and N/S, Harvard Avenue Bridge over Wheeling & Lake Erie, West 65th Street Bridge over N/S and RTA, and the West 74th Street Bridge from Fund Nos. 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 52 SF 001, and 58 SF 223, Request Nos. 21947 and 138355.

Section 2. That Section 1 of Ordinance No. 1301-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, is repealed.

Section 2. That the title and Sections 1 and 2 of Ordinance No. 2336-03, passed December 15, 2003, as amended by Ordinance No. 1301-97, passed August 13, 1997, and Ordinance No. 2024-2000, passed December 18, 2000, 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.

Passed January 26, 2004.

Effective January 28, 2004.

Ord. No. 102-04.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 1034 East 70th Street for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to the Consortium for Economic and Community Development, or its designee.

Whereas, the Director of Community Development has requested the purchase of property located at 1034 East 70th Street for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to the Consortium for Economic and Community Development, or its designee (the "Redeveloper") for the public purpose of future redevelopment of 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 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 purchase the following described property for future redevelopment:

1034 East 70th Street

Permanent Parcel No. 105-26-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 35 in L.S. Fish's Subdivision of part of Original 100 Acre Lot No. 347as shown by the Recorded Plat in Volume 14 of Maps, Page 48 of Cuyahoga County Records, and being 31 feet front on the Westerly side of East 70th Street (formerly Becker Place) and extending back of equal width 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property 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 property.

Section 3. That the consideration to be paid for this property shall not exceed one dollar (\$1.00) and other valuable considerations.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14 SF 029.

Section 5. That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for a price of one dollar (\$1.00) taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 7. 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 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.

Passed January 26, 2004.

Effective January 28, 2004.

Ord. No. 103-04.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 3418 East 76th Street for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Slavic Village Development Corporation, or its designee.

Whereas, the Director of Community Development has requested the purchase of property located at 3418 East 76th Street for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to Slavic Village Development Corporation, or its designee (the "Redeveloper") for the public purpose of future redevelopment of 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 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 purchase the following described property for future redevelopment:

3418 East 76th Street
Permanent Parcel No. 125-36-079
Situating in the County of Cuyahoga, State of Ohio and in the City of Cleveland and known as being Sublot No. 52 in Cook and Hechler Subdivision of part of Original 100 Acre Lot No. 323 and having a frontage of 40.01 feet on the West-erly side of East 76th Street, formerly Phillips Street, and extends back of equal width 125 feet deep, as per plat of said Subdivision in Volume 30 of Maps, Page 25 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property 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 property.

Section 3. That the consideration to be paid for this property shall not exceed one dollar (\$1.00) and other valuable considerations.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14 SF 029.

Section 5. That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for a price of one dollar (\$1.00) taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 7. 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 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.

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 104-04.
By Council Member Jackson (by departmental request).

An emergency ordinance to amend Sections 1, 2 and 7 Ordinance No. 1071-02, passed June 17, 2002, relating to the term and funding sources of the contracts for CIJIS Phase III enhancements, a new Case Management system, Voice Over IP Telephone System, and Probation Project, for the Cleveland Municipal Court; to add new section 8 to authorize the Director of Finance to enter into contract for professional services necessary to collect unpaid judgments, costs or other receivables on behalf of the Cleveland Municipal Court; and to renumber existing Section 8 to new Section 9.

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

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

Section 1. That Sections 1, 2, and 7 of Ordinance No. 1071-02, passed June 17, 2002, are amended to read as follows:

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into agreements for CIJIS Phase III Enhancements, a new Case Management system, Voice over IP Telephone system, and Probation Project, including to make a written contract or contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase, license, or lease of each of the following items for a term of not to exceed eighty four (84) months or such longer period as will result in expiration not later than December 31, 2011: computer hardware, software, peripherals, supplies, furniture, physical and environmental appurtenances, training materials, insurance, and relocation, installation, implementation, system disaster alleviation and remediation and other services necessary for the operation and enhancement of the Cleveland Integrated Justice Information System ("CIJIS"), for the Cleveland Municipal Court, provided, however, that the Director of Finance, on behalf of the Cleveland Municipal Court, is further authorized to execute as part of or in conjunction with a purchase one or more license agreements for software necessary for operation and/or enhancement of the CIJIS directly with a firm or firms other than the successful bidder or bidders if and when such bidder or bidder is not the manufacturer or an authorized licensor of the software.

Section 2. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to employ by contract one or more consultants or computer software maintainers or one or more firms of consultants or computer software maintainers as necessary for the purpose of supplementing the regularly employed staff of the Cleveland Municipal Court in order to provide professional services necessary for software develop-

ment, network administration, implementation, programming, maintenance, training and other support for the operation and enhancement of the CIJIS, for period of not to exceed 84 months or such longer period as will result in expiration not later than December 31, 2011. The selection of the consultant(s) or maintainer(s) for the services shall be made by the Board of Control on the nomination of the Director of Finance, on behalf of the Cleveland Municipal Court. 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, and approved and certified by the Director of Finance.

Section 7. That the cost of the contracts and licenses authorized by the various sections of this ordinance shall be paid from Fund No. 10 SF 085, 10 SF 086, 10 SF 087, or may be paid from any fund to which are credited any fees that are established by rule of the Cleveland Municipal Court for the cost of the collection of unpaid judgments, costs or other receivables, whether collected by the Court itself or collected by a vendor selected under the authority of Section 8 of this ordinance, and any such fees charged for the cost of collection are appropriated for this purpose.

Section 2. That existing Sections 1, 2 and 7 of Ordinance No. 1071-02, passed June 17, 2002, are repealed.

Section 3. That Ordinance No. 1071-02, passed June 17, 2002, is further amended by renumbering existing Section 8 to read "Section 9" and by adding new Section 8 to read as follows:

Section 8. That the Director of Finance, on behalf of the Cleveland Municipal Court, 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 collect unpaid judgments, costs or other receivables. The contract or contracts shall be for period of not to exceed 84 months or such longer period as will result in expiration not later than December 31, 2011. The selection of the consultants and the fixing of compensation for the services shall be made by the Board of Control. The contract or contracts authorized by this section shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

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

Passed January 26, 2004.
Effective January 28, 2004.

Ord. No. 109-04.**By Council Member Jackson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Bessemer 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. 127-16-043 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. 127-16-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., and extending back between parallel lines 122.04 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 127-16-044 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. 127-16-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 74 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., (formerly Roy Street) and extending back of equal width

122.04 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-045 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. 127-16-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 75 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Bessemer Avenue S.E. and extending back of equal width 122.04 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 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. 127-16-048 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. 127-16-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 78 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of (Roy Street), now known as Bessemer Avenue, S.E., and 122.04 feet deep, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-049 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. 127-16-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot 79 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page

23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., and extending back of equal width 122.04 feet deep, 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. 127-16-050 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. 127-16-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in Jay Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., (formerly Roy Street) and extending back of equal width 122.04 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 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. 127-16-054 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. 127-16-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to wit:

And known as being Sublot No. 84 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being a parcel of land 35 feet front on the Southerly side of Bessemer Avenue (formerly Roy Street) and extending back of equal width, 122.04 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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. 127-16-075 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. 127-16-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Jay E. Latimer's Subdivision

of a part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Northerly side of Bessemer Avenue and 122 feet deep, be the same more or less, but subject to all legal highways.

Section 17. 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 18. 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 19. 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 20. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed January 26, 2004.

Effective January 28, 2004.

Ord. No. 111-04.
By Council Members Jones, White, Reed, Johnson and Britt.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 2253-03, passed November 17, 2003 as it pertains to the Thoughtful Mediation Program through the use of Ward 1, 2, 3, 4 and 6 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 Title of Ordinance No. 2253-03, passed November 17, 2003 is hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with a for-profit or non-profit organization serving as the fiscal agent for Thoughtful Mediation, Incorporated to provide a Neighborhood Mediation project through the use of Wards 1, 2, 3, 4 and 6 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 2253-03, passed November 17, 2003 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with a for-profit or non-profit organization serving as the fiscal agent for Thoughtful Mediation, Incorporated to provide a Neighborhood Mediation project for the public purpose of providing conflict resolution services to residents residing in the City of Cleveland through the use of Wards 1, 2, 3, 4 and 6 Neighborhood Equity Funds.

Section 3. That the Title and Section 1 of Ordinance No. 2253-03, passed November 17, 2003 is hereby repealed.

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.

Passed January 26, 2004.

Effective January 28, 2004.

Ord. No. 114-04.
By Council Member Conwell.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Parkworks, Inc. for the Landscape Training Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective May 1, 2002 to June 30, 2004 with Parkworks, Inc. for the Landscape Training Program for the public purpose of providing landscape technical training to Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$3,450 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.

Passed January 26, 2004.

Effective January 28, 2004.

REPRINT

Ord. No. 906-03.

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

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

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

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

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2004 for the period of July 1, 2003 through June 30, 2005, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC") and the City, the City has been designated as the WIA grant recipient; administrative entity; and OWA No. 3; and

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

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

Section 1. That the Director of Economic Development is authorized to accept a grant in the approximate amount of \$16,500,000.00, from the Ohio Department of Jobs and Family Services for the 2004 Workforce Invest-

ment Act grant for the delivery of allowable program services to eligible individuals. The Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant.

Section 2. That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities or organizations to implement the following components of the 2004 Workforce Investment Act grant:

- **10 YOUTH PROGRAM ELEMENTS**

-
- Tutoring, Study Skills and Instruction
- Alternative Secondary School Services
- Summer Employment
- Paid Work Experience
- Occupational Skills Training
- Leadership Development
- Supportive Services
- Mentoring
- Follow-up Services
- Comprehensive Guidance and Counseling
- JOB READINESS TRAINING
- JOB DEVELOPMENT/JOB PLACEMENT
- JOB FAIRS, WIB MEETINGS, YOUTH COUNCIL, PROVIDER MEETINGS, PROGRAM RECOGNITION

Adult Employment and Training

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

Dislocated Worker Employment and Training

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

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

A.	<u>Youth Activities</u>		
	Personnel and Related Expenses	. . . .	\$ 650,000.00
	Other Expenses	. . . . .	<u>\$5,850,000.00</u>
		Total	\$6,500,000.00
B.	<u>Adult Employment and Training</u>		
	Personnel and Related Expenses	. . . .	\$ 600,000.00
	Other Expenses	. . . . .	<u>\$5,400,000.00</u>
		Total	\$6,000,000.00
C.	<u>Dislocated Worker Employment and Training</u>		
	Personnel and Related Expenses	. . . .	\$ 400,000.00
	Other Expenses	. . . . .	<u>\$3,600,000.00</u>
		Total	\$4,000,000.00

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

Passed June 10, 2003.
Effective June 12, 2003.

COUNCIL COMMITTEE MEETINGS

**Monday, February 2, 2004
9:00 a.m.**

Public Parks, Property & Recreation Committee: Present in Parks: Johnson, Chair; Cimperman, Dolan, Jones, Rybka, Sweeney. *Authorized Absence:* White, Vice Chair.

11:00 a.m.

Employment, Affirmative Action & Training Committee: Present in Employment: Lewis, Chair; Conwell,

Vice Chair; Cintron, Coats, Polensek. *Authorized Absence:* Johnson, Reed.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

**Tuesday, February 3, 2004
12:30 p.m.**

Employment, Affirmative Action & Training Committee: Present in Employment: Lewis, Chair; Conwell, Vice Chair; Coats. *Authorized Ab-*

sence: Cintron, Johnson, Reed, Polensek.

**Wednesday, February 4, 2004
10:00 a.m.**

Public Safety Committee: Present in Safety: Reed, Chair; Britt, Vice Chair; Brady, Cimperman, Coats, Conwell, Zone. *Authorized Absence:* Jones, White.

1:30 p.m.

Public Utilities Committee: Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Cintron, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Jones.

Index

O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Agreements

CIJIS Phase III enhancements — Cleveland Municipal Court — amend Ord. 1071-02
(O 104-04) **153**

Appropriations

Bessemer Ave. — appropriate property — intention (R 2434-03) **143**
Bessemer Ave. — extension — appropriate property (O 167-04) 128

Board of Building Standards and Building Appeals

Barber Avenue, 1700, (Ward 14) — James W. Romantic, owner — appeal resolved on 1/28/04
(Doc. A-139-03) 141
Broadway Avenue, 7512, (Ward 12) — Chester Partyka c/o Driver's Auto Mart, Inc., owner —
appeal resolved on 1/28/04 (Doc. A-3-04) 141
East 105th Street, 1800, (Nurses Residence), (Ward 8) — Case Western Reserve University,
owner — appeal adopted on 1/28/04 (Doc. A-143-03) 142
East 105th Street, 1800, (South Building), (Ward 8) — Case Western Reserve University,
owner — appeal adopted on 1/28/04 (Doc. A-142-03) 142
East 79th Street, 1178, (Ward 7) — Shiloh Temple House of God, owner — appeal rescheduled
for a later date on 1/28/04 (Doc. A-138-03) 141
East 87th Street, 1252, (Ward 7) — Kay Finney/ Kemish Mapango, owner — appeal adopted on
1/28/04 (Doc. A-123-03) 141
Huron Road, 840, (Ward 13) — Knights Center Corporation, owner — no action on 1/28/04
(Doc. A-117-03) 141
Puritas Avenue, 15030, (Ward 20) — Marc Glassman, Inc., owner — no action on 1/28/04
(Doc. A-135-03) 141
Rocky River Drive, 4087, (Ward 21) — Joseph Coreno, owner — appeal adopted on
1/28/04 (Doc. A-133-03) 141
St. Clair Avenue, 6031, (Ward 13) — Male House I. LLC — no action on 1/28/04
(Doc. A-134-03) 141
Terminal Avenue, 13121, (Ward 20) — Global Builders and Jessie Johnson, owners —
no action on 1/28/04 (Doc. A-132-03) 141
Triskett Road, 15233, (Ward 21) — James J. DeCaprio, owner — appeal resolved on 1/28/04
(Doc. A-7-04) 141
West 65th Street, 3339, (Ward 17) — Joseph Freund & Rubin Freund, owners — appeal
rescheduled to 2/25/04 on 1/28/04 (Doc. A-107-03) 141
Woodhill Road, 3000, (Ward 4) — Ricardo B. Teamor, owner — appeal rescheduled to 2/25/04
on 1/28/04 (Doc. A-108-03) 141
Woodworth Avenue, 14101, (Ward 10) — Susan S. Slaughter, owner — appeal postponed
to 2/11/04 on 1/28/04 (Doc. A-130-03) 141

Board of Control — Cleveland Hopkins International Airport Division

NASA South 40 Project design services, plan preparation for Altitude Combustion Stand (ACS), Preliminary Engineering Report (PER) — contract per Ord. 552-2000, 1234-2000 to Middough Consulting, Inc. — Dept. of Port Control (BOC Res. 26-04)	138
---	-----

Board of Control — Correction Division

Pharmaceutical supplies — amend BOC Res. 551-03 as amended by 612-03 — Dept. of Public Health (BOC Res. 27-04)	139
--	-----

Board of Control — Finance Department

Carrier body, roll-off haul-all and tow body — contract per Ord. 1169-03 to Fallsway Equipment Co., Inc. (BOC Res. 25-04)	138
---	-----

Board of Control — NASA

South 40 Project design services, plan preparation for Altitude Combustion Stand (ACS), Preliminary Engineering Report (PER) — contract per Ord. 552-2000, 1234-2000 to Middough Consulting, Inc. — Dept. of Port Control (BOC Res. 26-04)	138
--	-----

Board of Control — Port Control Department

NASA South 40 Project design services, plan preparation for Altitude Combustion Stand (ACS), Preliminary Engineering Report (PER) — contract per Ord. 552-2000, 1234-2000 to Middough Consulting, Inc. (BOC Res. 26-04)	138
---	-----

Board of Control — Professional Service Contracts

NASA South 40 Project design services, plan preparation for Altitude Combustion Stand (ACS), Preliminary Engineering Report (PER) — contract per Ord. 552-2000, 1234-2000 to Middough Consulting, Inc. — Dept. of Port Control (BOC Res. 26-04)	138
---	-----

Board of Control — Public Health Department

Pharmaceutical supplies — amend BOC Res. 551-03 as amended by 612-03 — Division of Correction (BOC Res. 27-04)	139
--	-----

Board of Control — Requirement Contracts

Carrier body, roll-off haul-all and tow body — contract per Ord. 1169-03 to Fallsway Equipment Co., Inc. — Dept. of Finance (BOC Res. 25-04)	138
Pharmaceutical supplies — amend BOC Res. 551-03 as amended by 612-03 — Division of Correction, Dept. of Public Health (BOC Res. 27-04)	139

Board of Zoning Appeals — Report

Abdi, Abdisalam — appeal denied and adopted on 2/2/04 (Cal. 03-348)	140
East 105th Street, 1082-98, (Ward 8) — Maher J. Ali, owner — appeal heard on 2/2/04 (Cal. 03-330)	
East 131st Street, 3930, (Ward 2) — Mahmoud Zayed, owner — appeal dismissed on 2/2/04 (Cal. 03-326)	140
East 147th Street, 3500, (Ward 3) — Cleveland Municipal School District, owner, c/o David Dickenson, agent — appeal heard on 2/2/04 (Cal. 03-344)	140
East 79th Street, 1194, (Ward 7) — The Shiloh Temple House of God, owner c/o Bishop Steven Best — appeal granted and adopted on 2/2/04 (Cal. 03-346)	140
Florida Avenue, 15209, (Ward 1) — Ebenezer Assembly of Christ Church, owner, c/o Pastor Claude Cummings — appeal heard on 2/2/04 (Cal. 03-349)	140
Lorain Avenue, 13540, (Ward 20) — Elizabeth Hlavinka, owner and Robert Gonzales, prospective tenant — appeal granted and adopted on 2/2/04 (Cal. 03-324)	140
Lorain Avenue, 9410-14, (Ward 18) — Albert Coreno, owner and Yousif Hamdeh, tenant — appeal denied and adopted on 2/2/04 (Cal. 03-314)	140

Triskett Road, 15255, (Ward 21) — Ohio Leitina Company, c/o Charles Mills, owner, and prospective purchaser, Family Video c/o Brent Conley, agent — appeal granted and adopted on 2/2/04 (Cal. 03-275) 140

West 193rd Street, 4507, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-02)..... 140

West 193rd Street, 4509, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-03)..... 140

West 193rd Street, 4511, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-04)..... 140

West 193rd Street, 4515, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-05)..... 140

West 193rd Street, 4517, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-06)..... 140

West 193rd Street, 4519, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-07)..... 140

West 193rd Street, 4521, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-08)..... 140

West 193rd Street, 4523, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-09)..... 140

West 193rd Street, 4525, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-10)..... 140

West 193rd Street, 4527, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-11)..... 140

West 193rd Street, 4529, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-12)..... 140

West 193rd Street, 4531, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore — appeal heard on 2/2/04 (Cal. 04-13)..... 140

West 33rd Street, 3735, (Ward 15) — Alex Badea, owner — appeal heard on 2/2/04 (Cal. 03-347)..... 140

Board of Zoning Appeals — Schedule

Benwood Avenue, 14109, (Ward 1) — Fifth Christian Church c/o Minister Mack Rice, owner, and Charles Kelley, agent — appeal to be heard on 2/17/04 (Cal. 04-22)..... 139

East 105th Street, 917, (Ward 8) — James Richardson, owner, and Nathaniel Seay, tenant — appeal to be heard on 2/17/04 (Cal. 04-01) 139

East 143rd Street, 777, (Ward 10) — Eddie Clark dba United Truck & Salvage — appeal to be heard on 2/17/04 (Cal. 04-19)..... 139

Fidelity Avenue, 11113, (Ward 19) — Anthony Lusardo, owner — appeal to be heard on 2/17/04 (Cal. 04-18)..... 139

Union Avenue, 13511, (Ward 3) — Mt. Pleasant NOW Development Corporation, owner c/o Chris Auvil, agent — appeal to be heard on 2/17/04 (Cal. 04-29) 140

West 33rd Street, 3200, (Ward 14) — Mercedarian Plaza LP c/o Catholic Charities Housing Corporation, owner — appeal to be heard on 2/17/04 (Cal. 04-21)..... 139

Bridges

W. 53rd St. Bridge, Denison Ave. Bridge, Harvard Ave. Bridge, W. 65th St. Bridge, and the W. 74th St. Bridge — rehabilitation — amend Ord. 2336-03 (O 101-04) 152

Building and Housing Department

Computer hardware maintenance — amend Ord. 1176-03 — Departments of Community Development & Building and Housing (O 2237-03) 149

Case Western Reserve University

North Residential Village Combined Cooling and Heating Program — grant — American Public Power Association (O 2431-03) 136

North Residential Village Phase I project — electric, steam, and data lines and storm and sanitary sewers — permit (O 159-04) 125

City of Cleveland Bids

Air conditioning maintenance and repair — Department of Port Control — per Ord. 1163-03 — bid due February 25, 2004 (advertised 2/4/2004 and 2/11/2004) 143

Distribution water mains — Area A-2004, cleaning and cement mortar lining of — Department of Public Utilities — Division of Water — per Ord. 2308-03 — bid due February 18, 2004 (advertised 1/28/2004 and 2/4/2004)..... 142

Distribution water mains — Area B-2004, cleaning and cement mortar lining of — Department of Public Utilities — Division of Water — per Ord. 2308-03 — bid due February 20, 2004 (advertised 1/28/2004 and 2/4/2004).....	142
Ford passenger / police car parts and labor — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 1981-03 — bid due February 27, 2004 (advertised 1/28/2004 and 2/4/2004).....	142
Keypunch services — Department of Finance — Division of Taxation — per Ord. 2303-03 — bid due February 19, 2004 (advertised 2/4/2004 and 2/11/2004).....	143
Kinsman Road rehabilitation (E. 93rd St. to east corp. line) — Department of Public Service — Division of Engineering and Construction — per Ord. 482-02, 1530-02, 990-03 — bid due February 26, 2004 (advertised 2/4/2004 and 2/11/2004)	143
Maplewood Park concession facility — Department of Parks, Recreation and Properties — Division of Architecture — per Ord. 1264-03 — bid due February 13, 2004 (advertised 1/28/2004 and 2/4/2004).....	142
Office panels and workstations — Department of Economic Development — Office of Workforce Development — per Ord. 1518-03 — bid due February 13, 2004 (advertised 1/28/2004 and 2/4/2004).....	142
Substation equipment, labor and materials to maintain, repair and/or replace — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 999-03 — bid due February 18, 2004 (advertised 1/28/2004 and 2/4/2004)	142
Thurgood Marshall Recreation center, Helen Simpson Park, Orr Park site improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 1748-99, 1114-02 — bid due February 18, 2004 (advertised 2/4/2004 and 2/11/2004).....	142
Transmissions, remanufactured auto / light truck — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 1974-03 — bid due February 27, 2004 (advertised 1/28/2004 and 2/4/2004).....	142
City Planning Commission	
Euclid Beach Park Subdivision — north of Lake Shore Boulevard — change the zoning — Single-Family Residential Use District — “A” Area District (O 2340-03).....	150
Cleveland Hopkins International Airport	
Air Services of Cleveland, Inc. — Lease By Way of Concession — use and occupancy — ramp and parking areas — Secondary Hangar (O 119-04).....	138
FAA TRACON Renovation — amend Ord. 552-2000 (O 2326-03)	137
Runway 6R-24L — extension — professional consultants (O 2432-03)	137
Security enhancements and upgrades — FAA-mandated — amend Ord. 1597-02 (O 2226-03)	136
Cleveland Housing Network	
E. 163rd St. — Land Reutilization Program (O 166-04)	128
Cleveland Municipal Court	
CIJIS Phase III enhancements — agreements — amend Ord. 1071-02 (O 104-04)	153
Codified Ordinances	
Adult Video Arcades & Adult Live Entertainment Arcades — repeal Sects. 699.01 through 699.18 & 699.99 — new Sects. 237.01 through 237.09 & 237.99 (O 1520-03)	146
Commissioning of armed security guards. — new Sections 670.01 to 670.19 and 670.99 (O 171-04)	132
Community Development	
Bessemer Ave. — Land Reutilization Program — Burten, Bell, Car Development, Inc. (O 109-04)	154
Bryce Ave., 16326 — Land Reutilization Program — James A. Moore and Brenda Moore (O 165-04)	127
Cardinal Rd. — Land Reutilization Program — Beulah Baptist Church (O 164-04)	127
Computer hardware maintenance — amend Ord. 1176-03 — Departments of Community Development & Building and Housing (O 2237-03)	149

E. 163rd St. — Land Reutilization Program — Cleveland Housing Network, Inc.
(O 166-04) 128

E. 70th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc.
(O 2400-03) 137

E. 70th St., 1034 — purchase property — convey the property — Consortium for the
Economic and Community Development (O 102-04) 152

E. 76th St., 3418 — purchase property — convey the property — Slavic Village
Development Corporation (O 103-04) 152

Hough Ave. — Land Reutilization Program — Velina L. Mainor (O 2361-03) 137

Memphis Ave., 7010-14 — sell City-owned property — Rysar Properties, Inc.
(O 160-04) 126

Naples, Florida and Lincoln Avenues — Land Reutilization Program — Amistad Development
Corp. (O 2360-03) 137

Parkworks, Inc. — Landscape Training Program — Ward 9 NEF (O 114-04) 155

W. 50th St., 1854 — Land Reutilization Program — Ohio City Near West Development
Corporation (O 168-04) 130

Condolences

Crane, Louise W. (R 195-04) 124

Crespo, Roque (R 198-04) 124

Griffin, Felicia Yvonne (R 194-04) 124

Lipford, Elder Donnell L. (R 193-04) 124

Malone, Luther C. Sr. (R 196-04) 124

Ocasio, Roberto (R 192-04) 124

Shoto, Hester E. (R 197-04) 124

Congratulations

Draper, James A. (R 199-04) 124

Contracts

Case Western Reserve University North Residential Village Combined Cooling and Heating
Program — grant — American Public Power Association
(O 2431-03) 136

Datamatic — automatic meter reading system — purchase & upgrade — Division of Water
(O 2425-03) 137

E. 40th St., 1667 — live/work building — Loftworks, LLC — interior renovation
(O 2405-03) 151

International Business Machines Corporation — AS 400 billing system — maintenance and
technical support — Public Utilities (O 2428-03) 137

Cuyahoga County

Employment and Family Services Neighborhood Family Services Program — grant — Cuyahoga
County Employment and Family Services (O 2439-03) 151

Economic Development Department

E. 40th St., 1667 — live/work building — Loftworks, LLC — contract — interior
renovation (O 2405-03) 151

Employment and Family Services Neighborhood Family Services Program — grant — Cuyahoga
County Employment and Family Services (O 2439-03) 151

Gebauer Company — Enterprise Zone Agreement — amend Ord. 378-03
(O 2325-03) 149

Program Rehabilitation and Restitution Program, Ohio Second Chance Program, for Workforce
Development — grant — Cuyahoga County Department of Justice Affairs
(O 2436-03) 151

US Cotton, LLC — Enterprise Zone Agreement — improvement — exemption — Cleveland Fair
Employment Law (O 2163-03) 136

Workforce Investment Act grant, 2004 — grant — amend Ord. 906-03
(O 162-04) 127

Workforce Investment Act grant, 2004 — grant — State of Ohio Bureau of Employment
Services (O 906-03) 155-R

Enterprise Zone Agreement

Gebauer Company — amend Ord. 378-03 (O 2325-03).....	149
US Cotton, LLC — improvement — exemption — Cleveland Fair Employment Law (O 2163-03)	136

Finance Department

CIJIS Phase III enhancements — agreements — Cleveland Municipal Court — amend Ord. 1071-02 (O 104-04)	153
Work clothing — rental and laundry (O 2137-03)	149

Grants

Case Western Reserve University North Residential Village Combined Cooling and Heating Program — American Public Power Association (O 2431-03)	136
Employment and Family Services Neighborhood Family Services Program — Cuyahoga County Employment and Family Services (O 2439-03)	151
Program Rehabilitation and Restitution Program, Ohio Second Chance Program, for Workforce Development — Cuyahoga County Department of Justice Affairs (O 2436-03)	151
Workforce Investment Act grant, 2004 — amend Ord. 906-03 (O 162-04).....	127

Highland Park Golf Course

Maintain and operate — requirement contract — Highland and Senaca Golf Courses (O 2092-03)	148
---	-----

Land Reutilization Program

Bessemer Ave. — Burten, Bell, Car Development, Inc. (O 109-04)	154
Bryce Ave., 16326 — James A. Moore and Brenda Moore (O 165-04).....	127
Cardinal Rd. — Beulah Baptist Church (O 164-04)	127
E. 163rd St. — Cleveland Housing Network, Inc. (O 166-04)	128
E. 70th St. — Burten, Bell, Carr Development, Inc. (O 2400-03)	137
Hough Ave. — Velina L. Mainor (O 2361-03)	137
Naples, Florida and Lincoln Avenues — Amistad Development Corp. (O 2360-03).....	137
W. 50th St., 1854 — Ohio City Near West Development Corp. (O 168-04)	130

Lease by Way of Concession

Air Services of Cleveland, Inc. — use and occupancy — ramp and parking areas — Secondary Hangar (O 119-04).....	138
--	-----

Liquor Permits

Buckeye Rd., 12302 — new (Ward 4) (F 181-04)	123
Buckeye Rd., 12302 — transfer (Ward 4) (F 184-04).....	123
Denison Ave., 3801-03 — objection — withdraw (Ward 15) (R 177-04)	135
E. 185th St., 568 — objection — withdraw (Ward 11) (R 179-04)	136
E. 200th St., 756 1/2 — transfer (Ward 11) (F 183-04).....	123
Euclid Ave., 17234 — objection — withdraw (Ward 10) (R 172-04).....	134
Euclid Ave., 18029 — objection — withdraw (Ward 10) (R 106-04).....	144
Harvard Ave., 7901 — transfer (Ward 2) (F 182-04).....	123
Kinsman Ave., 14510 — objection — withdraw (Ward 3) (R 108-04)	145
Lakeview Rd., 891 — objection — withdraw (Ward 9) (R 174-04).....	135
Memphis Ave., 4818-22 — objection — withdraw (Ward 15) (R 176-04)	135
Memphis Ave., 5200 — objection — withdraw (Ward 15) (R 178-04).....	136
Mt. Auburn Rd., 9621 — objection — withdraw (Ward 4) (R 107-04)	145
Murray Hill, 2181 — transfer (Ward 6) (F 185-04)	123
Pearl Rd., 3870 — objection — withdraw (Ward 15) (R 175-04).....	135
Puritas Ave., 14527-29 — transfer (Ward 20) (F 186-04)	123
Quincy Ave., 9209 — objection — withdraw (Ward 6) (R 105-04)	144
St. Clair Ave., 13933 — objection — withdraw (Ward 10) (R 173-04).....	134
Woodhill Ave., 2603 — new (Ward 6) (F 180-04).....	123

Mayor's Office

Brown, Darnell — oath of office — Executive Assistant to the Mayor (F 189-04) 123
 Schuerlein, Galen L. — oath of office — Executive Assistant to the Mayor
 (F 188-04) 123

Neighborhood Equity Funds

Thoughtful Mediation Program — amend Ord. 2253-03 — Ward 1, 2, 3, 4, and 6 (O 111-04) 155

Oath of Office

Beasley, Teresa — Chief Counsel (F 190-04) 123
 Brown, Darnell — Executive Assistant to the Mayor (F 189-04) 123
 McGuirk, David M. — Secretary to the Director of Public Utilities (F 187-04) 123
 Schuerlein, Galen L. — Executive Assistant to the Mayor (F 188-04) 123

Ohio City Near West Development Corporation

W. 50th St., 1854 — Land Reutilization Program (O 168-04) 130

Ohio Housing Finance Agency

Catholic Charities Housing Corporation — Council's support — affordable housing
 — elderly citizens (R 170-04) 134
 Northeastern Neighborhood Development Corporation HDAP Homes — Council's support
 — Housing Development Assistance Program funds (R 118-04) 145

Parking

Air Services of Cleveland, Inc. — Lease By Way of Concession — use and occupancy
 — ramp and parking areas — Secondary Hangar (O 119-04) 138

Parks, Recreation and Properties Department

Highland and Senaca Golf Courses — requirement contracts to maintain and operate
 (O 2092-03) 148
 Swimming pool heater — purchase — Thurgood Marshall Recreation Center
 (O 163-04) 132

Pensions

Republic Technologies International Employees — urging Pension Benefit Guarantee
 Corporation to suspend plans to avoid payment (R 121-04) 146

Permits

Longwood Plaza Shopping Center — public right-of-way of E. 40th St. — Arbor Park Place,
 LLC (O 157-04) 124
 North Residential Village Phase I project — electric, steam, and data lines and storm
 and sanitary sewers — Case Western Reserve University (O 159-04) 125
 Ohio Savings Management — public right of way of 515 Euclid Ave. — shoring tiebacks for
 site excavation (O 158-04) 124

Plats

Villas of Woodhaven Phase 2 — Subdivision Plat (F 191-04) 124

Port Control Department

Air Services of Cleveland, Inc. — Lease By Way of Concession — use and occupancy
 — ramp and parking areas — Secondary Hangar (O 119-04) 138
 Asbestos abatement — public improvement (O 1219-03) 136
 FAA TRACON Renovation — Cleveland Hopkins International Airport — amend Ord. 552-2000
 (O 2326-03) 137
 Interior plants and exterior site landscaping — maintain and replace — various
 divisions (O 2327-03) 137

Runway 6R-24L — extension — professional consultants — Cleveland Hopkins International
 Airport (O 2432-03) 137
 Security enhancements and upgrades — FAA-mandated — Cleveland Hopkins International
 Airport — amend Ord. 1597-02 (O 2226-03) 136
 Survey various parcels — surveyors and consultants — employ (O 2328-03) 137

Purchases and Supplies Division

E. 70th St., 1034 — purchase property — convey the property — Consortium for the
 Economic and Community Development (O 102-04) 152
 E. 76th St., 3418 — purchase property — convey the property — Slavic Village
 Development Corporation (O 103-04) 152
 Memphis Ave., 7010-14 — sell City-owned property — Rysar Properties, Inc.
 (O 160-04) 126

Recognition

Calabrese, Joseph A. (R 200-04) 124

Resolutions — Miscellaneous

Catholic Charities Housing Corporation — Council's support — affordable housing
 — elderly citizens — Ohio Housing Finance Agency (R 170-04) 134
 Northeastern Neighborhood Development Corporation HDAP Homes — Council's support
 — Housing Development Assistance Program funds (R 118-04) 145
 Republic Technologies International Employees — pensions — urging Pension Benefit
 Guarantee Corporation to suspend plans to avoid payment (R 121-04) 146
 Rosa Parks' birthday — national holiday — Council's support (R 117-04) 145
 Statutory environmental protections for parks, wildlife areas and historic sites —
 diminish or eliminate by amendments to Senate Bill 1072 — urging Senator Voinovich
 to reconsider (R 120-04) 146

Right-of-Way

Longwood Plaza Shopping Center — public right-of-way of E. 40th St. — Arbor Park Place,
 LLC — permit (O 157-04) 124
 North Residential Village Phase I project — electric, steam, and data lines and storm
 and sanitary sewers — permit — Case Western Reserve University (O 159-04) 125
 Ohio Savings Management — public right of way of 515 Euclid Ave. — shoring tiebacks for
 site excavation (O 158-04) 124

Safety Department

Cleveland Mounted Police Charitable Trust — services and goods donated — care for any
 and all animals owned by the City (O 100-04) 151

Senate Bills

Statutory environmental protections for parks, wildlife areas and historic sites —
 diminish or eliminate by amendments to Senate Bill 1072 — urging Senator Voinovich
 to reconsider (R 120-04) 146

Seneca Golf Course

Maintain and operate — requirement contract — Highland and Seneca Golf Courses
 (O 2092-03) 148

Service Department

Bessemer Ave. — appropriate property — intention (R 2434-03) 143
 Bessemer Ave. — extension — appropriate property (O 167-04) 128
 Longwood Plaza Shopping Center — public right-of-way of E. 40th St. — Arbor Park Place,
 LLC — permit (O 157-04) 124
 North Residential Village Phase I project — electric, steam, and data lines and storm
 and sanitary sewers — permit — Case Western Reserve University (O 159-04) 125
 Ohio Savings Management — public right of way of 515 Euclid Ave. — shoring tiebacks for
 site excavation (O 158-04) 124
 W. 53rd St. Bridge, Denison Ave. Bridge, Harvard Ave. Bridge, W. 65th St. Bridge, and the
 W. 74th St. Bridge — rehabilitation — amend Ord. 2336-03 (O 101-04) 152

Slavic Village Development Corporation

E. 76th St., 3418 — purchase property — convey the property (O 103-04) **152**

Thurgood Marshall Recreation Center

Swimming pool heater — purchase (O 163-04) 132

Utilities Department

Case Western Reserve University North Residential Village Combined Cooling and Heating Program — grant — American Public Power Association (O 2431-03) 136

Customer information and billing system — professional consultants (O 2430-03) 137

Datamatic — contracts — automatic meter reading system — purchase & upgrade — Division of Water (O 2425-03) 137

Engineering, water quality and analyses, environmental, safety, forensic, and other services — professional consultants — Division of water (O 2429-03) 137

Financial plan — 2006 through 2010 — professional consultants — Divisions of Water and Water Pollution Control (O 2427-03) 137

International Business Machines Corporation — contracts — AS 400 billing system — maintenance and technical support (O 2428-03) 137

McGuirk, David M. — Oath of Office — Secretary to the Director of Public Utilities (F 187-04) 123

Water mains —cleaning and cement mortar lining — amend Ord. 2308-03 (O 161-04) 132

Ward 01

Bryce Ave., 16326 — Land Reutilization Program — James A. Moore and Brenda Moore (O 165-04) 127

Draper, James A. — congratulation (R 199-04) 124

E. 163rd St. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 166-04) 128

Griffin, Felicia Yvonne — condolence (R 194-04) 124

Lipford, Elder Donnell L. — condolence (R 193-04) 124

Naples, Florida and Lincoln Avenues — Land Reutilization Program — Amistad Development Corp. (O 2360-03) 137

Thoughtful Mediation Program — amend Ord. 2253-03 — Ward 1, 2, 3, 4, and 6 NEF (O 111-04) **155**

Ward 02

Draper, James A. — congratulation (R 199-04) 124

Harvard Ave., 7901 — transfer — liquor permit (F 182-04) 123

Thoughtful Mediation Program — amend Ord. 2253-03 — Ward 1, 2, 3, 4, and 6 NEF (O 111-04) **155**

Ward 03

Draper, James A. — congratulation (R 199-04) 124

Kinsman Ave., 14510 — objection — withdraw — liquor permit (R 108-04) **145**

Thoughtful Mediation Program — amend Ord. 2253-03 — Ward 1, 2, 3, 4, and 6 NEF (O 111-04) **155**

Ward 04

Buckeye Rd., 12302 — new — liquor permit (F 181-04) 123

Buckeye Rd., 12302 — transfer — liquor permit (F 184-04) 123

Draper, James A. — congratulation (R 199-04) 124

Mt. Auburn Rd., 9621 — objection — withdraw — liquor permit (R 107-04) **145**

Thoughtful Mediation Program — amend Ord. 2253-03 — Ward 1, 2, 3, 4, and 6 NEF (O 111-04) **155**

Ward 05

Bessemer Ave. — appropriate property — intention (R 2434-03)..... **143**
 Bessemer Ave. — Land Reutilization Program — Burten, Bell, Car Development, Inc.
 (O 109-04) **154**
 Draper, James A. — congratulation (R 199-04)..... 124
 E. 70th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc.
 (O 2400-03) 137
 Longwood Plaza Shopping Center — public right-of-way of E. 40th St. — Arbor Park Place,
 LLC — permit (O 157-04) 124

Ward 06

Draper, James A. — congratulation (R 199-04)..... 124
 Murray Hill, 2181 — transfer — liquor permit (F 185-04) 123
 Quincy Ave., 9209 — objection — withdraw — liquor permit (R 105-04) **144**
 Thoughtful Mediation Program — amend Ord. 2253-03 — Ward 1, 2, 3, 4, and 6
 NEF (O 111-04) **155**
 Villas of Woodhaven Phase 2 — Subdivision Plat (F 191-04)..... 124
 Woodhill Ave., 2603 — new — liquor permit (F 180-04) 123

Ward 07

Draper, James A. — congratulation (R 199-04)..... 124
 E. 70th St., 1034 — purchase property — convey the property — Consortium for the
 Economic and Community Development (O 102-04) **152**
 Hough Ave. — Land Reutilization Program — Velina L. Mainor
 (O 2361-03) 137
 Malone, Luther C. Sr. — condolence (R 196-04) 124
 Shoto, Hester E. — condolence (R 197-04) 124

Ward 08

Draper, James A. — congratulation (R 199-04)..... 124
 Shoto, Hester E. — condolence (R 197-04) 124

Ward 09

Draper, James A. — congratulation (R 199-04)..... 124
 Lakeview Rd., 891 — objection — withdraw — liquor permit
 (R 174-04) 135
 North Residential Village Phase I project — electric, steam, and data lines and storm
 and sanitary sewers — permit — Case Western Reserve University
 (O 159-04) 125
 Parkworks, Inc. — Landscape Training Program — NEF (O 114-04)..... **155**

Ward 10

Cardinal Rd. — Land Reutilization Program — Beulah Baptist Church
 (O 164-04) 127
 Draper, James A. — congratulation (R 199-04)..... 124
 Euclid Ave., 17234 — objection — withdraw — liquor permit (R 172-04) 134
 Euclid Ave., 18029 — objection — withdraw — liquor permit (R 106-04) **144**
 St. Clair Ave., 13933 — objection — withdraw — liquor permit (R 173-04)..... 134

Ward 11

Crane, Louise W. — condolence (R 195-04) 124
 Draper, James A. — congratulation (R 199-04)..... 124
 E. 185th St., 568 — objection — withdraw — liquor permit (R 179-04) 136
 E. 200th St., 756 1/2 — transfer — liquor permit (F 183-04)..... 123
 Euclid Beach Park Subdivision — north of Lake Shore Boulevard — change the
 zoning — Single-Family Residential Use District — “A” Area District
 (O 2340-03) **150**

Ward 12

Bessemer Ave. — extension — appropriate property (O 167-04) 128
 Draper, James A. — congratulation (R 199-04)..... 124
 E. 76th St., 3418 — purchase property — convey the property — Slavic Village
 Development Corporation (O 103-04) **152**

Ward 13

Calabrese, Joseph A. — recognition (R 200-04)..... 124
 Draper, James A. — congratulation (R 199-04)..... 124
 E. 40th St., 1667 — live/work building — Loftworks, LLC — contract — interior
 renovation (O 2405-03)..... **151**
 Ocasio, Roberto — condolence (R 192-04)..... 124
 Ohio Savings Management — public right of way of 515 Euclid Ave. — shoring tiebacks for
 site excavation (O 158-04)..... 124

Ward 14

Catholic Charities Housing Corporation — Council's support — affordable housing
 — elderly citizens — Ohio Housing Finance Agency (R 170-04)..... 134
 Draper, James A. — congratulation (R 199-04)..... 124
 Ocasio, Roberto — condolence (R 192-04)..... 124

Ward 15

Denison Ave., 3801-03 — objection — withdraw — liquor permit (R 177-04) 135
 Draper, James A. — congratulation (R 199-04)..... 124
 Memphis Ave., 4818-22 — objection — withdraw — liquor permit (R 176-04) 135
 Memphis Ave., 5200 — objection — withdraw — liquor permit (R 178-04)..... 136
 Ocasio, Roberto — condolence (R 192-04)..... 124
 Pearl Rd., 3870 — objection — withdraw — liquor permit (R 175-04)..... 135

Ward 16

Draper, James A. — congratulation (R 199-04)..... 124

Ward 17

Crespo, Roque — condolence (R 198-04)..... 124
 Draper, James A. — congratulation (R 199-04)..... 124
 W. 50th St., 1854 — Land Reutilization Program — Ohio City Near West Development
 Corporation (O 168-04)..... 130

Ward 18

Draper, James A. — congratulation (R 199-04)..... 124
 Ocasio, Roberto — condolence (R 192-04)..... 124

Ward 19

Draper, James A. — congratulation (R 199-04)..... 124

Ward 20

Draper, James A. — congratulation (R 199-04)..... 124
 Puritas Ave., 14527-29 — transfer — liquor permit (F 186-04) 123
 US Cotton, LLC — Enterprise Zone Agreement — improvement — exemption — Cleveland Fair
 Employment Law (O 2163-03) 136

Ward 21

Draper, James A. — congratulation (R 199-04)..... 124
 Ocasio, Roberto — condolence (R 192-04)..... 124
 Warren Rd. & Triskett Rd. (southwest corner) — change the zoning — Local Retail
 Business Use District & Multi-Family Residential Use District (O 169-04)..... 130

Water Division

Datamatic — contracts — automatic meter reading system — purchase & upgrade
(O 2425-03) 137

Engineering, water quality and analyses, environmental, safety, forensic, and other
services — professional consultants (O 2429-03) 137

Financial plan — 2006 through 2010 — professional consultants — Divisions of Water and
Water Pollution Control (O 2427-03) 137

Water mains —cleaning and cement mortar lining — amend Ord. 2308-03
(O 161-04) 132

Water Mains

Cleaning and cement mortar lining — amend Ord. 2308-03 (O 161-04) 132

Water Pollution Control Division

Financial plan — 2006 through 2010 — professional consultants
(O 2427-03) 137

Zoning

Euclid Beach Park Subdivision — north of Lake Shore Boulevard — change the zoning —
Single-Family Residential Use District — “A” Area District
(O 2340-03) 150

Warren Rd. & Triskett Rd. (southwest corner) — change the zoning — Local Retail
Business Use District & Multi-Family Residential Use District
(O 169-04) 130