

The City Record

Official Publication of the Council of the City of Cleveland



March the Ninth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	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

The City Record is available online at
www.clevelandcitycouncil.org

Containing	PAGE
City Council	3
The Calendar	44
Board of Control	44
Civil Service	45
Board of Zoning Appeals	46
Board of Building Standards and Building Appeals	46
Public Notice	46
Public Hearings	46
City of Cleveland Bids	47
Adopted Resolutions and Ordinances	48
Committee Meetings	68
Index	69

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – 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 – Richard L. Nemeth, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall

DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane

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

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl

Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank

G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F.

Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President;

Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director

Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities

Director Julius Ciaccia; Council President Frank G. Jackson.

CITY AUDIT COMMITTEE – Robert Rawson, Chairman; Bracey Lewis, Frank Jackson,

Stephen J. Strinisha, Teresa Beasley, Yvette M. Ittu.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, 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 Teresa M. Beasley; 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

Baulknlight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner,

Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair;

Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, MARCH 9, 2005

No. 4761

CITY COUNCIL

MONDAY, MARCH 7, 2005

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, March 7, 2005

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

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

Also present were Mayor Campbell, Directors Beasley, Baker, Carroll, Ronayne, Rush, Williams, Fumich, Taylor, Appolito, Brown and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Skip Wilson of the Church of The Living God of Garfield, 9403 Garfield Boulevard, Garfield Heights, Ohio. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 391-05.

From the Department of Finance — annual report of licenses and permits issued during the fiscal year of 2004. Received.

File No. 392-05.

From the Greater Cleveland Sports Commission — Chronicles book — International Children's Games in Cleveland. Received.

File No. 393-05.

From the University Circle Inc. — 2005 University Circle Visitor's Guide. Received.

File No. 394-05.

From the Cleveland Clinic Foundation — Notice of Operations for calendar year 2004. Received.

File No. 395-05.

From the Congressman Dennis J. Kucinich — NASA summit second meeting. Received.

File No. 396-05.

From the Cleveland Municipal Court, Housing Division — new local rules designed to govern receiverships. Received.

File No. 397-05.

From Ruben Barrales, Deputy Assistant to the President of the United States — Receipt of Resolution No. 1689-04. Received.

File No. 398-05.

From Cleveland Public Library — Director's Report, February 17, 2005 & Organization Chart for Branches and Outreach Services. Received.

File No. 399-05.

From Lee Friedman Hill, Vice President — Northern Trust Bank. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 400-05.

Re: New Application — 7207558 — Rashiqa, Inc., d.b.a. E. 143rd Food Market, 3249 East 143rd Street. (Ward 4). Received.

File No. 401-05.

Re: Transfer of Ownership and Location — 83947000005 — Southend Group, Inc., d.b.a. Brookview Tavern, 2168 Brookpark Road. (Ward 16). Received.

PLATS

File No. 340-05.

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

Approved by Committees on Public Service and City Planning.

File No. 341-05.

Courtland Court Townhouses — Subdivision Plat (Ward 17). Received.

Approved by Committees on Public Service and City Planning.

File No. 342-05.

The Cloisters-Slavic Village — Subdivision Plat. (Ward 12). Received.

Approved by Committees on Public Service and City Planning.

File No. 343-05.

Pembrook Homes Subdivision II — Lot Consolidation, Lot Split & Dedication Plat. (Ward 11). Received.

Approved by 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. 402-05—Dr. Alif A. Kuri.

Res. No. 403-05 — Mary Angeline McLeod.

Res. No. 404-05 — James J. Flannery.

Res. No. 405-05—Robert Butts.

CONGRATULATION RESOLUTIONS

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

Res. No. 406-05 — Robert Lockwood, Jr.

Res. No. 407-05 — Deanna Marie Miklich.

RECOGNITION RESOLUTIONS

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

Res. No. 408-05—Kim E. Whitley.

Res. No. 409-05 — Pastor André Jacob.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 354-05.

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 services necessary to design, layout, produce, and distribute 2004 and 2005 annual reports and other customer public information and promotional materials, for the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to 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 design, layout, produce, and distribute 2004 and 2005 annual reports and other cus-

tomers public information and promotional materials, including but not limited to writing, photography and artwork offset lithographic reproduction, for the various divisions of the Department of Public Utilities.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001 Request No. 149019.

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

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

Ord. No. 355-05.

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 services necessary to design, layout, produce, and distribute 2004 and 2005 consumer confidence reports, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is 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 design, layout, produce, and distribute 2004 and 2005 consumer confidence reports, including but not limited to writing, photography and artwork offset lithographic reproduction, for the Division of Water, Department of Public Utilities.

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

shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 149022.

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

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

Ord. No. 356-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to perform miscellaneous building maintenance services, for the various divisions of the Department of Public Utilities, 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 Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor and materials to perform miscellaneous building maintenance services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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 153291)

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

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

Ord. No. 357-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, for the Division of Public Power, Department of Public Utilities 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 Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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 153290)

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

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

Ord. No. 358-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of paper products necessary for billing, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter

and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of paper products necessary for billing, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153292)

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

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

Ord. No. 359-05.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design improvements and renovations to the terminal building at Cleveland Hopkins International Airport; determining the method of making the public improvement of constructing the improvements and renovations; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies necessary for the improvement, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of sup-

plementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design improvements and renovations to the terminal building at Cleveland Hopkins International Airport, including but not limited to restroom renovations.

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

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements and renovations to the terminal building at Cleveland Hopkins International Airport, including but not limited to restroom renovations, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 3. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of materials, equipment, and supplies necessary for the improvement as described in this ordinance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, from the funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project, the proceeds from the sale of any airport revenue bonds issued for this purpose, and shall also 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 129212)

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 360-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for bulk waste disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

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 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 or two years for the necessary items of bulk waste disposal services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130523)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____

(Name of Surety)
as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to

undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and

best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material thereof; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY
ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S
ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

Ord. No. 361-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

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 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 or two years for the necessary items of the transfer and disposal of solid waste, including but not limited to bulk waste disposal, processing of recyclables and tire disposal, and the provision, as the Board of Control shall determine, of the necessary landfill, transfer station and/or materials recovery facility requirements, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or con-

tracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130522)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address) as Principal and _____

(Name of Surety) as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____

(date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is

less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS:

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

**Ord. No. 362-05.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts for contingency services for the disposal of municipal solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.**

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 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 or two years for the necessary items of contingency services for the disposal of municipal solid waste to various approved and certified transfer facilities and landfills, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the con-

tract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130524)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____

(date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the

Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS:

Street

City State ZIP

SURETY AGENT'S ADDRESS:

Agency Name

Street

City State ZIP

"Exhibit A"

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

**Ord. No. 363-05.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts for construction and demolition debris disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.**

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 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 or two years for the necessary items of construction and demolition debris disposal services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance

shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130526)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____

(Name of Surety)
as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____

_____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

_____. For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the

contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS:

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

**Ord. No. 364-05.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service.

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 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 or two years for the necessary items of the transfer and disposal of tires in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged

against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130525)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____

(date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If

the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

Ord. No. 366-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$100,000.00, payable from Fund No. 01-700401-638000, Request No. 136894.

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

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

Ord. No. 367-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours.

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; 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 Parks, Recreation and Properties is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours, in an amount not to exceed \$247,511.00, payable from Fund No. 01-700401-638000, Request No. 136898.

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

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

Ord. No. 368-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program, in an amount not to exceed \$65,000, payable from Fund No. 01-700401-638000, Request No. 136895.

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

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

Ord. No. 369-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, 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 enter into contract with the Salvation Army, Cleveland Temple Corps, 17625 Grovewood Avenue, Cleveland, Ohio, 44119, or its designee, to administer and facilitate recreational services in the Collinwood Community in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties, in the total sum of \$100,000, payable from Fund No. 01-700401-638000, Request No. 136896.

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

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

Ord. No. 370-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with 1104 Prospect Avenue Park And Lock, LLC, or its designee, to provide economic development assistance to partially finance the construction and rehabilitation of the Prospect Place Apartments located at 1104 Prospect Avenue, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with 1104 Prospect Avenue Park And Lock, LLC, or its designee, to provide economic development assistance to partially finance the construction and rehabilitation of the Prospect Place Apartments located at 1104 Prospect Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 370-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Five Hundred Thousand Dollars (\$500,000), and shall be paid from Fund No. 10 SF 545, which funds are appropriated for this purpose, Request No. 125788.

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

Section 5. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 546.

Section 6. That the Director of Community 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. 10 SF 546.

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

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

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

Ord. No. 371-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Mueller Electric Condominiums, LLC, or its designee, to provide development assistance to partially finance the acquisition and development of the Mueller Electric Condominiums located at 1583 East 31st Street, and all other associated costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to enhance the availability of adequate housing in the City and to improve the economic and general well-being of the people of the City it is in the public interest and a proper public purpose for the City to provide and/or assist in providing housing for individuals and families; and

Whereas, in compliance with Section 16, of Article VIII, Ohio Constitution and Ohio Revised Code Sections 133 et seq. and 176 et seq., the City has established a Housing Advisory Board for review of the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, consistent with the Ohio Constitution and State statutes, the City provided its five-year comprehensive housing affordability strategy for the City developed under the "Cranston-Gonzalez National Affordable Housing Act" (the "Plan") for the development and maintenance of affordable housing within the City boundaries to the Housing Advisory Board for its review and recommendations; and

Whereas, after review by the Housing Advisory Board in excess of 30 days, the Board unanimously approved the Plan; and

Whereas, the Housing Advisory Board, after reviewing in excess of 15 days the proposed condominium project, approved the project; and

Whereas, Council desires to authorize the development assistance to the project which has been approved by the Housing Advisory Board in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with Mueller Electric Condominiums, LLC, or its designee, to provide development assistance to partially finance the acquisition and development of the Mueller Electric Condominiums located at 1583 East 31st Street, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 371-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00), and shall be paid

from Fund No. 10 SF 545, which funds are appropriated for this purpose, Request No. 125786.

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

Section 5. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 546.

Section 6. That the Director of Community 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. 10 SF 546.

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

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

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

Ord. No. 372-05.

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

An emergency ordinance authorizing the Directors of Community Development and Consumer Affairs to enter into an amendment to Contract No. 63190 with Housing Advocates, Inc. to provide additional assistance to City residents.

Whereas, under Ordinance No. 785-04, passed June 14, 2004, this Council authorized the Director of Consumer Affairs to enter into one or more contracts with Housing Advocates, Inc. to provide counseling, training, marketing, program evaluation, and other services required for anti-predatory lending and foreclosure prevention assistance; and

Whereas, additional services are desired; and

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

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

Section 1. That the Directors of Community Development and Consumer Affairs are authorized to enter into an amendment to Contract No. 63190 with Housing Advocates, Inc. to provide additional homeowners assistance program services and to increase the amount of the contract by \$65,000. The increase shall be paid from Fund No. 14 SF 030, Request No. 125764.

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

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

Ord. No. 373-05.

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

An emergency ordinance to supplement Ordinance No. 703-04, passed May 24, 2004, to add new Sections 4, 5, 6, and 7; and to renumber existing Section 4 to new Section 8, relating to the Demolition and Board-up Programs.

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

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

Section 1. That Ordinance No. 703-04, passed May 24, 2004, is supplemented by adding new Sections 4, 5, 6, and 7 to read as follows:

Section 4. That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition and Board-up Programs.

Section 6. That the Director of Building and Housing is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Demolition and Board-up Programs.

Section 7. That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

Section 2. That existing Section 4 of Ordinance No. 703-04, passed May 24, 2004, is renumbered to new "Section 8".

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

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

**Ord. No. 374-05.
By Council Members Cintron and
Zone.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Stockyard Redevelopment Organization or designee.

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 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. 016-11-080 as more fully described below, to Stockyard Redevelopment Organization or designee.

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. 016-11-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 71 in James M. Hoyt Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 16 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Easterly side of West 52nd Street and extending back between parallel lines 125 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 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. 016-13-008 as more fully described below to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-13-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 7 feet of Sublot No. 448 and all of Sublot No. 447 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 10 of Cuyahoga County Records and together forming a parcel of land 47 feet front on the Easterly side of West 50th Street, and extending back 125 feet on the Northerly line, which is also the Southerly side of Field

Road, 125 feet on the Southerly line and having a rear line of 47 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 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. 016-13-059 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-13-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 64 in Diodate Clark's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 19 of Cuyahoga County Records and being 50 feet front on the Westerly side of West 48th Street and extending back of equal width 200 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all 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. 016-20-042 as more fully described, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-20-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 18 feet of Sublot No. 6 and all of Sublot No. 5 in Henry L. Hills Allotment of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 10 of Maps, Page 14 of Cuyahoga County Records, and together forming a parcel of land 53 feet front on the Northerly side of Eichorn Avenue, S.W., (formerly Evans Street) and extending back of equal width 135 feet deep, on the Westerly line, 135 feet deep on the Easterly line, which is also the Westerly line of West 49th Street (40 feet wide), 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 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. 006-08-023 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 006-08-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 168 in Langhorn and Dixon's Allot-

ment of part of Original Brooklyn Township Lot No. 28, as shown by the recorded plat in Volume 4 of Maps, Page 33 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Clark Avenue, S.W. and extending back 110 feet 10-1/2 inches in the Easterly line, 103 feet 5 inches on the Westerly line and having a rear line of 35 feet 9-1/4 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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. 016-09-148 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-09-148

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 399 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 10 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 52nd Street (formerly Iona Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 016-10-009 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-10-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in John G. Steiger's Re-Subdivision of Sublots Nos. 31, 32, 33 and 34 in Diodate Clark's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 4 of Maps, Page 20 of Cuyahoga County Records. Said Lot No. 13 is 33 feet front on the Easterly side of West 58th Street and extends back of equal width, 145 feet deep to a 15 foot alley in the rear, 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 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. 016-11-155 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-11-155

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of Sublot No. 257 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 56th Street (formerly Hamburg Street) and extending back of equal width 125 feet to the Westerly line of West 55th Place, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 016-11-159 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-11-159

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 261 in J. M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3, Page 16 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 56th Street; and extending back equal width 125 feet deep to West 55th Place in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 016-11-159 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-16-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Daniel Hoyt's Re-Allotment of a part of Original Brooklyn Township Lot No. 35, as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records and being 40 feet front on the Southeastern side of West 60th Street and extending back 122.43 feet on the Northeastern line 124.01 on the Southwestern line and having a rear line of 40.02 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 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 016-19-133 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-19-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 128 in Mayers and Schneiders Allotment of a part of Original Brooklyn Township Lot Nos. 35 and 46 as shown by the recorded plat in Volume 5 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Easterly side of West 56th Street and extending back between parallel lines 130 feet, as appears by said plat.

Section 23. 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 24. 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 25. 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 26. 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. 375-05.**By Council Member Reed.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13917 Kinsman Road to Mt. Pleasant Now 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 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). 130-12-031, as more fully described below, to Mt. Pleasant Now 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. 130-12-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 446, bounded and described as follows:

Beginning at a point on the Northeastern line of Kinsman Road, S.E., 100 feet Northwestly from the intersection of the Northerly line of Kinsman Road, S.E. with the Westerly line of East 140th Street; thence Northerly parallel with the Westerly line of East 140th Street, 111.35 feet; thence Westerly on a line at right angles with the Westerly line of East 140th Street about 48.43 feet; thence Southerly parallel with the Westerly line of East 140th Street, 98.92 feet to the Northeastern line of Kinsman Road, S.E.; thence Southeastly along the Northeastern line of Kinsman Road, S.E., 50 feet to the place of beginning, and further known as Sublot No. 3 in William Behm's Propose Allotment of part of Original One Hundred Acre Lot No. 446, 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. 376-05.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kinsman Road and East 132nd Street to Mt. Pleasant Now 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 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), 130-08-031, 130-08-076 and 130-08-137, as more fully described below, to Mt. Pleasant Now 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. 130-08-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 93 and 94 in the Kinsman Heights Subdivision of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of Kinsman Road, S.E., at a point six feet Southeasterly, (measured along said Northeasterly line), from the Southwesterly corner of said Sublot No. 94; thence Northwesterly along said Northeasterly line of Kinsman Road, S.E., 20-18/100 feet; thence Northerly along a line parallel with the Easterly line of said Sublot No. 93 to its intersection with a line drawn parallel with and distant Southerly 20-66/100 feet (measured along the Easterly line of East 132nd Street), from the Northerly line of said Sublot No. 93; thence Westerly parallel to said Northerly line of Sublot No. 93 to said Easterly line of East 132nd Street; thence Northerly along said Easterly line of East 132nd Street, 11-66/100 feet; thence Easterly on a line parallel to the Northerly line of said Sublot Nos. 93 and 94 to its intersection with a line drawn parallel with said Easterly line of said Sublot No. 93 from the place of beginning; thence Southerly parallel to said Easterly line of said Sublot No. 93 to the place of beginning, be

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

Subject to zoning ordinances, if any.

P. P. No. 130-08-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in Kinsman Heights Subdivision of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 132nd Street and extending back of equal width 105 feet deep, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 130-08-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 94 in the Kinsman Heights Allotment of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 44 of Maps, Page 26 of Cuyahoga County Records and forming a parcel of land bounded and described as follows:

Beginning in the Northeasterly line of Kinsman Road S.E. (66 feet wide) at a point distant North 75° 17' 05" West (measured along said Northeasterly line of Kinsman Road, S.E.), 5.73 feet from the most Southerly corner of said Sublot No. 94, said place of beginning being also the Southwesterly corner of Parcel No. 1 of land conveyed to Anna Risman, by deed dated June 4, 1946 and recorded in Volume 6081, Page 343 of Cuyahoga County Records; thence North 75° 17' 05" West, along said Northeasterly line of Kinsman Road, S.E., 42.44 feet to the most Southerly corner of a parcel of land conveyed to Sarah Schusterman, by deed dated November 10, 1926 and recorded in Volume 3366, Page 514 of Cuyahoga County Records, said point being distant South 75° 17' 05" East (measured along said Northeasterly line of Kinsman Road, S.E.), 6.00 feet from the Southwesterly corner of said Sublot No. 94; thence North 0° 25' 55" East, along the Easterly line of said land conveyed to Sarah Schusterman, 97.33 feet; thence south 89° 31' 55" East, 41.11 feet to the Westerly line of said Parcel No. 1 of land conveyed to Anna Risman; thence south 0° 25' 55" West, along said Westerly line of Parcel No. 1 of land conveyed to Anna Risman, 107.76 feet to the place of beginning, according to a survey dated December 22, 1953 by the National Survey Service, Incorporated, Civil Engineers and Surveyors.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 377-05.

By Council Member Dolan.

An emergency ordinance designating John Marshall High School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate John Marshall High School as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on April 22, 2004 to discuss the proposed designation of John Marshall High School as a landmark; and

Whereas, the Commission has recommended designation of John Marshall High School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That John Marshall High School, whose street address in the City of Cleveland is 3952 W. 140th Street, S. W., also known as Cuyahoga County Auditor's Permanent Parcel Number 022-26-007, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 365-05.
By Council Members Cimperman, Sweeney and Jackson (by request).
An emergency resolution declaring the intention to vacate a portion of Bading Avenue S.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Bading Avenue S.E., as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Bading Avenue S.E. (50 feet wide) extending from the Easterly line of Kimmel Road S.E. (50 feet wide) Easterly to its Easterly terminus.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 353-05.
By Council Members White and Jackson.

An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2102-03, passed October 27, 2003, relating to fees for publications and services.

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

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

Section 1. That Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2102-03, passed October 27, 2003, is hereby amended to read as follows:

Section 113.12 Fees for Publications and Services

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance publications reflecting amendments passed by Cleveland City Council through June 10, 2003:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 7.03
Part I. Administrative Code	\$ 28.10
Part II. Health Code	\$ 17.04
Part III. Land Use Code, Planning and Housing	\$ 14.94
Part III. Zoning Code	\$ 10.40
Part III. Land Use Code, Housing Code	\$ 14.25
Part III. Land Use Code, Fire Prevention Code	\$ 19.60
Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 28.10
Part VI. Offenses and Business Activities Code	\$ 19.75
Complete Set	\$323.12

A complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers and binder.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the **previous 12 months.**

(c) **The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from June 11, 2003 through December 31, 2004:**

<u>Supplement Unit</u>	<u>Cost</u>
Charter	\$ 5.65
Part I.	\$ 14.15
Part II.	\$ 12.35
Part IIIa	\$ 11.50
Part IIIb.	\$ 4.00
Part IIIc.	\$ 12.35
Part IIId.	\$ 11.50
Part IIIe.	\$ 4.00
Part IV.	\$ 3.25
Part V.	\$ 14.15
Part VI.	\$ 4.65
Complete Bound Set	\$ 51.25

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with **divisions (a) and (c)** of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2102-03, passed October 27, 2003, is hereby repealed.

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

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

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

Ord. No. 385-05.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cats in the Flats 10K & 5K Run and 2-Mile Walk, on September 18, 2005, scheduled by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cats in the Flats 10K & 5K Run and 2-Mile Walk; beginning at St. Ignatius High School, West 30th & Lorain, Lorain to Gehring, Gehring to Abbey, Abbey to Columbus, Columbus to Carter, Carter to Scranton, Scranton to Train, Train to Wiley, Wiley to Scranton, Scranton to Starkweather, Starkweather to Jefferson, Jefferson to Professor, Professor to Literary, Literary to Kenilworth, Kenilworth to Scranton, Scranton to Carter, Carter to Columbus, Columbus to Abbey, Abbey to Gehring, Gehring to Lorain, Lorain to finish at West 30th, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 386-05.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cruise for the Critters race, on September 25, 2005, scheduled by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruise for the Critters with the race starting at the Gateway Animal Clinic, West 15th &

Abbey, Abbey to West 11th, West 11th to Starkweather, Starkweather to West 14th, West 14 to Kenilworth, Kenilworth to Scranton, Scranton to Train, turn around, Scranton to Kenilworth, Kenilworth to West 11th, West 11th to Abbey, Abbey to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 387-05.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the 24th Annual Turkey Trot, on November 24, 2005, scheduled by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 24th Annual Turkey Trot; beginning at Lakeside and West 3rd, West 3rd to St. Clair, St. Clair to East 9th, East 9th to South Marginal, South Marginal to East 26th, East 26th to North Marginal, North Marginal to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to West 6th, West 6th to St. Clair, St. Clair to West 3rd, West 3rd to Lakeside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

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

Ord. No. 388-05.**By Council Members Britt and Pierce Scott.**

An emergency ordinance consenting and approving the issuance of a permit for the 2005 Hudson Relays, on April 23, 2005, sponsored by Case Western Reserve University.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2005 Hudson Relays; starting at "The Rock" next to Fribley, near the bottom of the elephant steps in front of Carlton Commons, top of stairs; top of Edgehill at Overlook in front of the Greenhouse Restaurant, corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall) in front of the Peter B. Lewis building corner of Bellflower and Ford just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road in front of Pierce house in the Northside Residential Village in front of Clark Hall on the Mather Quad; back to "The Rock" President's last lap only; the last runner "President" receives the baton at the rock by Adelbert Hall and runs into the Quad up the Pardee side and around and back to "The Rock" down the Yost side, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 389-05.

By Council Member Cimperman
An emergency ordinance consenting and approving the issuance of a permit for the Winking Lizard 4 Mile Run & 2 Mile Walk, on July 30, 2005, sponsored by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Winking Lizard 4 Mile Run & 2 Mile Walk; beginning at Huron & East 4th Street, Huron to East 4th East 4th to Prospect, Prospect to East 36th, East 36th to Carnegie, Carnegie to East 40th, East 40th to Prospect, Prospect to East 4th, East 4th to Huron, Huron to finish — in front of the Winking Lizard, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 390-05.

By Council Member Cimperman
An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Bench Bar Halloween Run, on October 29, 2005, scheduled by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Bench Bar Halloween Run; starting at Ontario & Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside across East 9th to Aviation High School, turn around and return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as

determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 378-05.

By Council Member Britt.
An emergency resolution supporting Fairfax Renaissance Development Corporation's Brownfield Redevelopment Fund Community Assessment Initiative grant application to Cuyahoga County.

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 Fairfax Renaissance Development Corporation's Brownfield Redevelopment Fund Community Assessment Initiative grant application to Cuyahoga County which will assist in a Phase II environmental assessment of seven parcels comprising the northeast corner of the Cedar Avenue and East 83rd Street intersection. These efforts will determine the level and cost of remediation in order for St. James AME Church, in partnership with Fairfax Renaissance Development Corporation, to expand their operations by creating a multi-purpose community service center.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Board of Cuyahoga County Commissioners and the Executive Director of the Fairfax Renaissance Development 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 379-05.

By Council Member Jackson.
An emergency resolution supporting the application by Phyllis Wheatley Association for the Low Income Housing Tax Credit Program by the rehabilitation and preservation of the real property known as Emeritus House.

Whereas, the Ohio Housing Finance Agency (OHFA) is requesting applications for the Low-income Housing Tax Credit Program (LIHTC) from developers to create affordable housing in areas of high need and for special populations having the highest need; and

Whereas, the OHFA Qualified Allocation Plan offers competitive points for local government support in the form of a City Council Resolution; and

Whereas, the Phyllis Wheatley Association is proposing to rehabilitate the real property known as Emeritus House, an existing historic, FHA insured Section 8 complex located at 4450 Cedar Avenue on the east side of the City of Cleveland; and

Whereas, such development will contain up to a total of fifty-six (56) units; and

Whereas, one hundred percent (100%) of these units will be affordable to and occupied by families earning sixty percent (60%) or less of the area median gross income; and

Whereas, the proposed development meets the special needs category for the elderly with a one hundred percent (100%) set aside for the elderly; and

Whereas, the property will maintain its Section 8 subsidy; and

Whereas, the Emeritus House project, proposed by the Phyllis Wheatley Association, 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 application by Phyllis Wheatley Association for the Low Income Housing Tax Credit Program to attract financial investments by the rehabilitation and preservation of the real property known as Emeritus House, an existing elderly historic, FHA-insured Section 8 complex on the east side of the City of Cleveland.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Phyllis Wheatley Association.

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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 380-05.**By Council Member Zone.**

An emergency resolution declaring Cleveland City Council's support of the proposal of Cogswell Hall, Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio House Finance Agency.

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

Whereas, Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation are proposing to renovate and expand the Cogswell Hall facility located at 7200 Franklin Boulevard; and

Whereas, all forty-two (42) units will be single room occupancy units for single women with limited incomes; and

Whereas, one hundred percent (100%) of these units will be set aside for individuals with a household income at or below sixty percent (60%) of area median gross income; and

Whereas, there will be no market rate units; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 Directors of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 381-05.**By Council Member Coats.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14002 Lakeshore Boulevard and repealing Resolution No. 1554-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 14002 Lakeshore Boulevard by Resolution No. 1554-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Barbara Teonchuk, 14002 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 8829845 be and the same is hereby withdrawn and Resolution No. 1554-03, 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 382-05.**By Council Member Johnson.**

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 3019 East 116th Street and repealing Resolution No. 1332-04, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 3019 East 116th Street by Resolution No. 1332-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Albert Daily, DBA Daily's Food Mart, 3019 East 116th Street, Cleveland, Ohio 44120, Permanent Number 1896113 be and the same is hereby withdrawn and Resolution No. 1332-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 383-05.**By Council Member White.**

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 4591 Turney Road and repealing Resolution No. 21-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent No. 2262582, by Resolution No. 21-05 adopted by the Council on January 10, 2005; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent Number 2262582 be and the same is hereby withdrawn and Resolution No. 21-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 384-05.**By Council Member Coats.**

An emergency resolution encouraging the Ohio General Assembly to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to a distance that, at a minimum, is greater than the distance children walk to and from school and, in the alternative, to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to 2,000 feet.

Whereas, the Ohio General Assembly enacted Chapter 2950 of the Ohio Revised Code governing sex offenders and requiring registration; and

Whereas, in enacting Chapter 2950 of the Ohio Revised Code, the Ohio General Assembly determined and declared several legislative findings; and

Whereas, one such finding determined and declared "sex offenders and offenders who commit child-vic-

tim offenses pose a risk of engaging in further sexually abusive behavior and protection of members of the public from sex offenders and offenders who commit child-victim oriented offenses is a paramount governmental interest"; and

Whereas, Ohio law currently prohibits sex offenders from living within 1,000 feet of a school; and

Whereas, this 1,000 feet restriction does not adequately protect young children walking to and from school; and

Whereas, this Council is concerned about circumstances enabling sex offenders convicted of raping young children to reside near schools; and

Whereas, the documentation contained in File No. 384-05-A, documents fourteen (14) registered sex offenders who live at an address within 1,840 feet of an elementary school; and

Whereas, four (4) of these sex offenders were convicted of raping victims five (5) years of age and four (4) of these sex offenders were convicted of raping victims nine (9) years of age or younger; and

Whereas, protecting young children from sex offenders is a para-

mount governmental interest; and

Whereas, enabling sex offenders to reside near schools subjects children to risk; and

Whereas, this Council encourages the Ohio General Assembly to increase the current 1,000 feet restriction; and

Whereas, such increase should be, at a minimum, greater than the distance young children walk to and from school; and

Whereas, in the event, the Ohio General Assembly chooses not to or is unable to increase the prohibition to the distance children walk to and from school, this Council encourages the Ohio General Assembly to increase the prohibition to 2,000 feet; 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 encourages the Ohio General Assembly to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to a distance that, at a min-

imum, is greater than the distance children walk to and from school.

Section 2. That this Council encourages the Ohio General Assembly, in the alternative, to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to 2,000 feet.

Section 3. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution and the legislative file to those members of the State of Ohio Legislature representing residents of the City of Cleveland.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

SECOND READING EMERGENCY ORDINANCE

Ord. No. 125-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005.

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

1. Strike Section 1 in its entirety and insert the following:

"Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Seventy Seven Million Nine Hundred Forty Seven Thousand Sixty Two Dollars (\$477,947,062) from the General Fund;

The sum of Fifty Nine Million Six Hundred Twenty Two Thousand Nine Hundred Thirty Two Dollars (\$59,622,932) from the Special Revenue Funds;

The sum of Twenty Four Million Three Hundred Sixty Three Thousand Six Hundred Eighty Six Dollars (\$24,363,686) from the Internal Service Funds;

The sum of Six Hundred Thirteen Million Five Hundred Fifty Eight Thousand Six Hundred Fifty Eight Dollars (\$613,558,658) from the Enterprise Funds;

The sum of Nine Million Five Hundred Seven Thousand Two Hundred Seventy Two Dollars (\$9,507,272) from the Trust and Agency Funds;

The sum of Sixty Million Three Hundred Thirty Nine Thousand Five Hundred Sixteen Dollars (\$60,339,516) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 125-05-B in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2005

GENERAL FUND

Legislative Branch	\$ 5,721,807
Municipal Court	\$ 33,712,379
Executive Branch	
Office of the Mayor	2,166,544
Department of Public Safety	270,825,866
Community Relations Board	990,269
Department of Consumer Affairs	288,285
Department of Public Service	36,021,854
Department of Parks, Recreation & Properties	37,581,172
Urban Planning & Development	17,070,418
Department of Public Health	12,346,955
Department of Aging	512,105
Support Functions	40,694,303
Transfers to Other Funds	20,015,105
TOTAL EXECUTIVE BRANCH	\$ 438,512,876
TOTAL GENERAL FUND	\$ 477,947,062

Special Revenue Funds		\$ 59,622,932
Internal Service Funds		24,363,686
Enterprise Funds		613,558,658
Trust and Agency Funds		9,507,272
Debt Service Funds		60,339,516
TOTAL APPROPRIATIONS FOR 2005		<u><u>\$1,245,339,126</u></u>

GENERAL FUND**LEGISLATIVE BRANCH**

Council and Clerk of Council		\$5,721,807
I. Personnel and Related Expenses	\$4,310,888	
II. Other Expenses	1,410,919	
TOTAL LEGISLATIVE BRANCH		<u><u>\$5,721,807</u></u>

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$21,003,577
I. Personnel and Related Expenses	\$18,555,597	
II. Other Expenses	2,447,980	
Municipal Court - Housing Division		\$9,921,289
I. Personnel and Related Expenses	\$8,012,620	
II. Other Expenses	1,908,669	
Municipal Court - Clerk's Division		\$2,787,513
I. Personnel and Related Expenses	\$2,646,043	
II. Other Expenses	141,470	
TOTAL JUDICIAL BRANCH		<u><u>\$33,712,379</u></u>

EXECUTIVE BRANCH

Office of the Mayor		\$2,166,544
I. Personnel and Related Expenses	\$1,950,689	
II. Other Expenses	215,855	
TOTAL OFFICE OF THE MAYOR		<u><u>\$2,166,544</u></u>

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,752,666
I. Personnel and Related Expenses	\$2,371,709	
II. Other Expenses	380,957	
Division of Police		\$166,970,024
I. Personnel and Related Expenses	\$155,986,404	
II. Other Expenses	10,983,620	
Division of Fire		\$78,917,221
I. Personnel and Related Expenses	\$75,887,397	
II. Other Expenses	3,029,824	
Division of Emergency Medical Services		\$21,352,183
I. Personnel and Related Expenses	\$19,577,962	
II. Other Expenses	1,774,221	
Division of Dog Pound		\$833,772
I. Personnel and Related Expenses	\$703,792	
II. Other Expenses	129,980	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u><u>\$270,825,866</u></u>

COMMUNITY RELATIONS BOARD

Community Relations Board		\$990,269
I. Personnel and Related Expenses	\$909,440	
II. Other Expenses	80,829	
TOTAL COMMUNITY RELATIONS BOARD		\$990,269

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$288,285
I. Personnel and Related Expenses	\$231,180	
II. Other Expenses	57,105	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$288,285

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$520,803
I. Personnel and Related Expenses	\$505,793	
II. Other Expenses	15,010	
Division of Architecture		\$682,053
I. Personnel and Related Expenses	\$646,295	
II. Other Expenses	35,758	
Division of Waste Collection and Disposal		\$25,568,972
I. Personnel and Related Expenses	\$14,227,820	
II. Other Expenses	11,341,152	
Division of Engineering and Construction		\$4,959,410
I. Personnel and Related Expenses	\$4,571,290	
II. Other Expenses	388,120	
Division of Traffic Engineering		\$4,290,616
I. Personnel and Related Expenses	\$3,108,684	
II. Other Expenses	1,181,932	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$36,021,854

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$733,939
I. Personnel and Related Expenses	\$570,318	
II. Other Expenses	163,621	
Division of Research, Planning, and Development		\$747,359
I. Personnel and Related Expenses	\$671,899	
II. Other Expenses	75,460	
Division of Recreation		\$12,302,438
I. Personnel and Related Expenses	\$8,700,386	
II. Other Expenses	3,602,052	
Division of Parking Facilities-On Street		\$1,136,302
I. Personnel and Related Expenses	\$1,086,621	
II. Other Expenses	49,681	
Division of Property Management		\$9,125,687
I. Personnel and Related Expenses	\$6,258,714	
II. Other Expenses	2,866,973	
Division of Park Maintenance and Properties		\$13,535,447
I. Personnel and Related Expenses	\$8,756,022	
II. Other Expenses	4,779,425	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$37,581,172

URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		\$826,667
I. Personnel and Related Expenses	\$721,667	
II. Other Expenses	105,000	
Director's Office		\$191,722
I. Personnel and Related Expenses	\$191,722	
Division of Neighborhood Development		\$934,174
I. Personnel and Related Expenses	\$734,174	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$383,346
I. Personnel and Related Expenses	\$383,346	
TOTAL COMMUNITY DEVELOPMENT		<u>\$2,335,909</u>
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir. Office		\$2,129,359
I. Personnel and Related Expenses	\$1,682,448	
II. Other Expenses	446,911	
Division of Code Enforcement		\$7,145,199
I. Personnel and Related Expenses	\$6,932,186	
II. Other Expenses	213,013	
Division of Construction Permit		\$1,524,745
I. Personnel and Related Expenses	\$1,504,545	
II. Other Expenses	20,200	
TOTAL BUILDING AND HOUSING		<u>\$10,799,303</u>
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		\$171,377
I. Personnel and Related Expenses	\$163,142	
II. Other Expenses	8,235	
Board of Building Standards and Appeals		\$105,511
I. Personnel and Related Expenses	\$94,284	
II. Other Expenses	11,227	
Board of Zoning Appeals		\$217,036
I. Personnel and Related Expenses	\$201,517	
II. Other Expenses	15,519	
Fair Campaign Finance Commission		\$2,500
II. Other Expenses	\$2,500	
TOTAL REGULATORY BOARDS		<u>\$496,424</u>
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$1,094,892
I. Personnel and Related Expenses	\$1,031,511	
II. Other Expenses	63,381	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		<u>\$1,094,892</u>
Office of Equal Opportunity		\$792,538
I. Personnel and Related Expenses	\$750,049	
II. Other Expenses	42,489	
City Planning Commission		\$1,551,352
I. Personnel and Related Expenses	\$1,467,058	
II. Other Expenses	84,294	
TOTAL URBAN PLANNING AND DEVELOPMENT		<u>\$17,070,418</u>

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$726,986
I. Personnel and Related Expenses	\$647,992	
II. Other Expenses	78,994	
Division of Correction		\$6,761,646
I. Personnel and Related Expenses	\$5,200,476	
II. Other Expenses	1,561,170	
Division of Health		\$3,315,681
I. Personnel and Related Expenses	\$2,272,419	
II. Other Expenses	1,043,262	
Division of Environment		\$1,117,117
I. Personnel and Related Expenses	\$901,935	
II Other Expenses	215,182	
Division of Air Quality		\$425,525
I. Personnel and Related Expenses	\$107,723	
II. Other Expenses	317,802	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$12,346,955

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$512,105
I. Personnel and Related Expenses	\$426,053	
II. Other Expenses	86,052	
TOTAL DEPARTMENT OF AGING		\$512,105

SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$794,234
I. Personnel and Related Expenses	\$728,774	
II. Other Expenses	65,460	
Division of Accounts		\$1,749,309
I. Personnel and Related Expenses	\$1,102,051	
II. Other Expenses	647,258	
Division of Assessments and Licenses		\$1,504,327
I. Personnel and Related Expenses	\$1,307,111	
II. Other Expenses	197,216	
Division of Treasury		\$515,855
I. Personnel and Related Expenses	\$445,920	
II. Other Expenses	69,935	
Division of Purchases and Supplies		\$622,675
I. Personnel and Related Expenses	\$501,630	
II. Other Expenses	121,045	
Bureau of Internal Audit		\$669,763
I. Personnel and Related Expenses	\$387,794	
II. Other Expenses	281,969	
Division of Financial Reporting and Control		\$1,298,176
I. Personnel and Related Expenses	\$1,114,870	
II. Other Expenses	183,306	

Information Systems Services		\$2,736,980
I. Personnel and Related Expenses	\$2,137,831	
II. Other Expenses	599,149	
Information Tech & Planning		\$278,751
I. Personnel and Related Expenses	\$271,026	
II. Other Expenses	7,725	
TOTAL DEPARTMENT OF FINANCE		\$10,170,070
Office of Budget & Management-Budget Admin.		\$608,543
I. Personnel and Related Expenses	\$586,602	
II. Other Expenses	21941	
Department Law		\$8,093,322
I. Personnel and Related Expenses	\$6,141,600	
II. Other Expenses	1,951,722	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$18,871,935
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,700,699
I. Personnel and Related Expenses	\$1,289,019	
II. Other Expenses	411,680	
Civil Service Commission		\$755,855
I. Personnel and Related Expenses	\$594,835	
II. Other Expenses	161,020	
TOTAL PERSONNEL ADMINISTRATION		\$2,456,554
NONDEPARTMENTAL		
County Auditor Deductions		\$1,615,000
II. Other Expenses	\$1,615,000	
Other Administrative		\$17,750,814
II. Other Expenses	\$17,750,814	
TOTAL NONDEPARTMENTAL		\$19,365,814
TOTAL SUPPORT FUNCTIONS		\$40,694,303
Transfers To Other Funds		\$20,015,105
II. Other Expenses	\$20,015,105	
TOTAL EXECUTIVE BRANCH		\$438,512,876
TOTAL GENERAL FUND		\$477,947,062
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$33,114,702
I. Capital	\$17,114,702	
II. Debt Service	16,000,000	
Street Construction, Maintenance & Repair Fund		\$24,508,230
I. Personnel and Related Expenses	\$14,417,700	
II. Other Expenses	10,090,530	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$59,622,932

INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$6,346,115
I. Personnel and Related Expenses	\$982,394	
II. Other Expenses	5,363,721	
Division of Motor Vehicle Maintenance		\$15,552,017
I. Personnel and Related Expenses	\$6,202,163	
II. Other Expenses	9,349,854	
Division of Printing and Reproduction		\$1,498,936
I. Personnel and Related Expenses	\$770,020	
II. Other Expenses	728,916	
City Storeroom and Central Warehouse		\$966,618
I. Personnel and Related Expenses	\$85,877	
II. Other Expenses	880,741	
TOTAL INTERNAL SERVICE FUNDS		\$24,363,686

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,868,790
I. Personnel and Related Expenses	\$1,341,603	
II. Other Expenses	527,187	
Radio		\$2,345,247
I. Personnel and Related Expenses	\$147,131	
II. Other Expenses	2,198,116	
Division of Fiscal Control		\$2,825,892
I. Personnel and Related Expenses	\$2,669,646	
II. Other Expenses	156,246	
Division of Water		\$235,479,890
I. Personnel and Related Expenses	\$77,562,372	
II. Other Expenses	157,917,518	
Division of Water Pollution Control		\$23,770,257
I. Personnel and Related Expenses	\$10,641,027	
II. Other Expenses	13,129,230	
Division of Cleveland Public Power		\$167,052,406
I. Personnel and Related Expenses	\$28,396,420	
II. Other Expenses	138,655,986	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$433,342,482

DEPARTMENT OF PORT CONTROL

Airports - Operations		\$149,087,023
I. Personnel and Related Expenses	\$24,413,504	
II. Other Expenses	124,673,519	
TOTAL DEPARTMENT OF PORT CONTROL		\$149,087,023

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,147,643
I. Personnel and Related Expenses	\$1,620,432	
II. Other Expenses	527,211	
Golf Course Fund		\$2,575,445
I. Personnel and Related Expenses	\$1,293,857	
II. Other Expenses	1,281,588	
Division of Parking Facilities-Off Street Parking		\$8,822,378
I. Personnel and Related Expenses	\$1,334,407	
II. Other Expenses	7,487,971	
Division of Convention Center		\$6,614,441
I. Personnel and Related Expenses	\$3,742,662	
II. Other Expenses	2,871,779	
Division of Convention Center & Stadium-West Side Market		\$1,227,024
I. Personnel and Related Expenses	\$585,930	
II. Other Expenses	641,094	
Division of Convention Center & Stadium-Stadium		\$9,663,846
II. Other Expenses	\$9,663,846	
Division of Property Management - East Side Market		\$78,376
I. Personnel and Related Expenses	\$55,431	
II. Other Expenses	22,945	
TOTAL PARKS, RECREATION, & PROPERTIES		\$31,129,153
		<hr/> <hr/>
TOTAL ENTERPRISE FUNDS		\$613,558,658
		<hr/> <hr/>
AGENCY FUND		
Central Collection Agency		\$9,507,272
I. Personnel and Related Expenses	\$6,327,243	
II. Other Expenses	3,180,029	
TOTAL AGENCY FUND		\$9,507,272
		<hr/> <hr/>
DEBT SERVICE FUND		
Sinking Fund Commission		\$60,339,516
I. Personnel and Related Expenses	\$157,133	
II. Other Expenses	548,231	
III. Debt Service	59,634,152	
TOTAL DEBT SERVICE FUNDS		\$60,339,516
		<hr/> <hr/>

Amendment agreed to.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 174-05.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cuyahoga County Department of Employment and Family Services for the Building Success for Cleveland's Kinship Care Families Program; authorizing the Director to enter into one or more contracts with various entities to implement the program.

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

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

Ord. No. 177-05.

By Council Members White, Reed, Jackson, Cintron and Brady.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland Housing Network, LPXXII or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on Community and Economic Development; Passage recommended by Committee on Finance; when amended as follows:

1. Insert new Sections 39 and 40 to read as follows:

"Section 39. 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. 006-04-105 as more fully described below, to Cleveland Housing Network, LPXXII or their designee.

Section 40. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 006-04-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 670 in James M. Hoyt's Subdivision of part of Original Brooklyn township Lot Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Dudley Avenue, N.W., (formerly Dudley Street) and extending back 86 feet, 2.5 inches on the Easterly line, 93 feet 5 inches on the Westerly line, and having a rear line of 35 feet, 8.5 inches, as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to zoning ordinances, if any.

2. Renumber existing Sections 39, 40, 41, and 42 to new "Section 41", "Section 42", "Section 43", and "Section 44".

Amendments agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legisla-

tion was furnished to each member of Council before final passage.

Ord. No. 178-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to Burten, Bell, Carr Development, Inc.

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

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

Ord. No. 179-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue and East 37th, 38th and 39th Streets to Burten, Bell, Carr Development, Inc. or designee.

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

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

Ord. No. 181-05.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Cleveland Housing Network, Inc. or designee.

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

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

Ord. No. 182-05.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Clark Avenue to Stockyard Development Organization or designee.

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

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

Ord. No. 221-05.

By Council Member Jackson (by departmental request).

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

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

1. In Section 1, line 3, strike "or two"; and strike lines 11, 12, 13, 14, and 15 in their entirety and insert **"requirements for the entire term."**

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. 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. 222-05.

By Council Member Jackson (by departmental request).

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

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

1. In Section 1, line 3, strike "or two years"; and strike lines 11, 12, 13, 14, and 15 in their entirety and insert **"requirements for the entire term."**

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. 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. 223-05.

By Council Member Jackson (by departmental request).

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

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

1. In Section 1, line 3, strike "or two"; and strike lines 11, 12, 13, 14, and 15 in their entirety and insert **"for the requirements for the entire term."**

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. 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. 229-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Procurement and Diversity for the Getting the Lead Out Program; authorizing the director to enter into one or more contracts with various entities to assess and renovate potential lead hazards; and authorizing the purchase by one or more requirement contracts of equipment and supplies to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage rec-

ommended by Committees on Health and Human Services, Finance.

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

Ord. No. 230-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Kaiser Permanente of Ohio for the Worksite Wellness Expansion Program.

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

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

Ord. No. 231-05.

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

An emergency ordinance authorizing the Director of Public

Health to lease property known as 23600 Mercantile Road, Unit J, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

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

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

Ord. No. 291-05.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Eddy Road and Arlington and Edmonton Avenues to Cleveland Housing Network, Inc.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on Community and

Economic Development; Passage recommended by Finance.

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 228-05.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of constructing an all-weather track and football-field complex located at 1050 East 152nd Street.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**APPROPRIATION FOR THE YEAR 2005
(SECOND READING EMERGENCY ORDINANCE)
ORDINANCE NO. 125-05**

Ord. No. 125-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005.

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

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

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Seventy Seven Million Nine Hundred Forty Seven Thousand Sixty Two Dollars (\$477,947,062) from the General Fund;

The sum of Fifty Nine Million Six Hundred Twenty Two Thousand Nine Hundred Thirty Two Dollars (\$59,622,932) from the Special Revenue Funds;

The sum of Twenty Four Million Three Hundred Sixty Three Thousand Six Hundred Eighty Six Dollars (\$24,363,686) from the Internal Service Funds;

The sum of Six Hundred Thirteen Million Five Hundred Fifty Eight Thousand Six Hundred Fifty Eight Dollars (\$613,558,658) from the Enterprise Funds;

The sum of Nine Million Five Hundred Seven Thousand Two Hundred Seventy Two Dollars (\$9,507,272) from the Trust and Agency Funds;

The sum of Sixty Million Three Hundred Thirty Nine Thousand Five Hundred Sixteen Dollars (\$60,339,516) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 125-05-B in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2005

GENERAL FUND

Legislative Branch	\$ 5,721,807
Municipal Court	\$ 33,712,379
Executive Branch	
Office of the Mayor	2,166,544
Department of Public Safety	270,825,866
Community Relations Board	990,269
Department of Consumer Affairs	288,285
Department of Public Service	36,021,854
Department of Parks, Recreation & Properties	37,581,172
Urban Planning & Development	17,070,418
Department of Public Health	12,346,955
Department of Aging	512,105
Support Functions	40,694,303
Transfers to Other Funds	20,015,105
TOTAL EXECUTIVE BRANCH	\$ 438,512,876
TOTAL GENERAL FUND	\$ 477,947,062

Special Revenue Funds		\$ 59,622,932
Internal Service Funds		24,363,686
Enterprise Funds		613,558,658
Trust and Agency Funds		9,507,272
Debt Service Funds		60,339,516
TOTAL APPROPRIATIONS FOR 2005		\$1,245,339,126

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,721,807
I. Personnel and Related Expenses	\$4,310,888	
II. Other Expenses	1,410,919	
TOTAL LEGISLATIVE BRANCH		\$5,721,807

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$21,003,577
I. Personnel and Related Expenses	\$18,555,597	
II. Other Expenses	2,447,980	
Municipal Court - Housing Division		\$9,921,289
I. Personnel and Related Expenses	\$8,012,620	
II. Other Expenses	1,908,669	
Municipal Court - Clerk's Division		\$2,787,513
I. Personnel and Related Expenses	\$2,646,043	
II. Other Expenses	141,470	
TOTAL JUDICIAL BRANCH		\$33,712,379

EXECUTIVE BRANCH

Office of the Mayor		\$2,166,544
I. Personnel and Related Expenses	\$1,950,689	
II. Other Expenses	215,855	
TOTAL OFFICE OF THE MAYOR		\$2,166,544

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,752,666
I. Personnel and Related Expenses	\$2,371,709	
II. Other Expenses	380,957	
Division of Police		\$166,970,024
I. Personnel and Related Expenses	\$155,986,404	
II. Other Expenses	10,983,620	
Division of Fire		\$78,917,221
I. Personnel and Related Expenses	\$75,887,397	
II. Other Expenses	3,029,824	
Division of Emergency Medical Services		\$21,352,183
I. Personnel and Related Expenses	\$19,577,962	
II. Other Expenses	1,774,221	
Division of Dog Pound		\$833,772
I. Personnel and Related Expenses	\$703,792	
II. Other Expenses	129,980	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$270,825,866

COMMUNITY RELATIONS BOARD

Community Relations Board		\$990,269
I. Personnel and Related Expenses	\$909,440	
II. Other Expenses	80,829	
TOTAL COMMUNITY RELATIONS BOARD		\$990,269

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$288,285
I. Personnel and Related Expenses	\$231,180	
II. Other Expenses	57,105	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$288,285

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$520,803
I. Personnel and Related Expenses	\$505,793	
II. Other Expenses	15,010	
Division of Architecture		\$682,053
I. Personnel and Related Expenses	\$646,295	
II. Other Expenses	35,758	
Division of Waste Collection and Disposal		\$25,568,972
I. Personnel and Related Expenses	\$14,227,820	
II. Other Expenses	11,341,152	
Division of Engineering and Construction		\$4,959,410
I. Personnel and Related Expenses	\$4,571,290	
II. Other Expenses	388,120	
Division of Traffic Engineering		\$4,290,616
I. Personnel and Related Expenses	\$3,108,684	
II. Other Expenses	1,181,932	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$36,021,854

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$733,939
I. Personnel and Related Expenses	\$570,318	
II. Other Expenses	163,621	
Division of Research, Planning, and Development		\$747,359
I. Personnel and Related Expenses	\$671,899	
II. Other Expenses	75,460	
Division of Recreation		\$12,302,438
I. Personnel and Related Expenses	\$8,700,386	
II. Other Expenses	3,602,052	
Division of Parking Facilities-On Street		\$1,136,302
I. Personnel and Related Expenses	\$1,086,621	
II. Other Expenses	49,681	
Division of Property Management		\$9,125,687
I. Personnel and Related Expenses	\$6,258,714	
II. Other Expenses	2,866,973	
Division of Park Maintenance and Properties		\$13,535,447
I. Personnel and Related Expenses	\$8,756,022	
II. Other Expenses	4,779,425	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$37,581,172

URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		\$826,667
I. Personnel and Related Expenses	\$721,667	
II. Other Expenses	105,000	
Director's Office		\$191,722
I. Personnel and Related Expenses	\$191,722	
Division of Neighborhood Development		\$934,174
I. Personnel and Related Expenses	\$734,174	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$383,346
I. Personnel and Related Expenses	\$383,346	
TOTAL COMMUNITY DEVELOPMENT		<u><u>\$2,335,909</u></u>
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir. Office		\$2,129,359
I. Personnel and Related Expenses	\$1,682,448	
II. Other Expenses	446,911	
Division of Code Enforcement		\$7,145,199
I. Personnel and Related Expenses	\$6,932,186	
II. Other Expenses	213,013	
Division of Construction Permit		\$1,524,745
I. Personnel and Related Expenses	\$1,504,545	
II. Other Expenses	20,200	
TOTAL BUILDING AND HOUSING		<u><u>\$10,799,303</u></u>
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		\$171,377
I. Personnel and Related Expenses	\$163,142	
II. Other Expenses	8,235	
Board of Building Standards and Appeals		\$105,511
I. Personnel and Related Expenses	\$94,284	
II. Other Expenses	11,227	
Board of Zoning Appeals		\$217,036
I. Personnel and Related Expenses	\$201,517	
II. Other Expenses	15,519	
Fair Campaign Finance Commission		\$2,500
II. Other Expenses	\$2,500	
TOTAL REGULATORY BOARDS		<u><u>\$496,424</u></u>
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$1,094,892
I. Personnel and Related Expenses	\$1,031,511	
II. Other Expenses	63,381	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		<u><u>\$1,094,892</u></u>
Office of Equal Opportunity		\$792,538
I. Personnel and Related Expenses	\$750,049	
II. Other Expenses	42,489	
City Planning Commission		\$1,551,352
I. Personnel and Related Expenses	\$1,467,058	
II. Other Expenses	84,294	
TOTAL URBAN PLANNING AND DEVELOPMENT		<u><u>\$17,070,418</u></u>

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$726,986
I. Personnel and Related Expenses	\$647,992	
II. Other Expenses	78,994	
Division of Correction		\$6,761,646
I. Personnel and Related Expenses	\$5,200,476	
II. Other Expenses	1,561,170	
Division of Health		\$3,315,681
I. Personnel and Related Expenses	\$2,272,419	
II. Other Expenses	1,043,262	
Division of Environment		\$1,117,117
I. Personnel and Related Expenses	\$901,935	
II Other Expenses	215,182	
Division of Air Quality		\$425,525
I. Personnel and Related Expenses	\$107,723	
II. Other Expenses	317,802	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$12,346,955

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$512,105
I. Personnel and Related Expenses	\$426,053	
II. Other Expenses	86,052	
TOTAL DEPARTMENT OF AGING		\$512,105

**SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION****DEPARTMENT OF FINANCE**

Finance Administration		\$794,234
I. Personnel and Related Expenses	\$728,774	
II. Other Expenses	65,460	
Division of Accounts		\$1,749,309
I. Personnel and Related Expenses	\$1,102,051	
II. Other Expenses	647,258	
Division of Assessments and Licenses		\$1,504,327
I. Personnel and Related Expenses	\$1,307,111	
II. Other Expenses	197,216	
Division of Treasury		\$515,855
I. Personnel and Related Expenses	\$445,920	
II. Other Expenses	69,935	
Division of Purchases and Supplies		\$622,675
I. Personnel and Related Expenses	\$501,630	
II. Other Expenses	121,045	
Bureau of Internal Audit		\$669,763
I. Personnel and Related Expenses	\$387,794	
II. Other Expenses	281,969	
Division of Financial Reporting and Control		\$1,298,176
I. Personnel and Related Expenses	\$1,114,870	
II. Other Expenses	183,306	
Information Systems Services		\$2,736,980
I. Personnel and Related Expenses	\$2,137,831	
II. Other Expenses	599,149	
Information Tech & Planning		\$278,751
I. Personnel and Related Expenses	\$271,026	
II. Other Expenses	7,725	
TOTAL DEPARTMENT OF FINANCE		\$10,170,070

Office of Budget & Management-Budget Admin.		\$608,543
I. Personnel and Related Expenses	\$586,602	
II. Other Expenses	21941	
Department Law		\$8,093,322
I. Personnel and Related Expenses	\$6,141,600	
II. Other Expenses	1,951,722	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$18,871,935
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,700,699
I. Personnel and Related Expenses	\$1,289,019	
II. Other Expenses	411,680	
Civil Service Commission		\$755,855
I. Personnel and Related Expenses	\$594,835	
II. Other Expenses	161,020	
TOTAL PERSONNEL ADMINISTRATION		\$2,456,554
NONDEPARTMENTAL		
County Auditor Deductions		\$1,615,000
II. Other Expenses	\$1,615,000	
Other Administrative		\$17,750,814
II. Other Expenses	\$17,750,814	
TOTAL NONDEPARTMENTAL		\$19,365,814
TOTAL SUPPORT FUNCTIONS		\$40,694,303
Transfers To Other Funds		\$20,015,105
II. Other Expenses	\$20,015,105	
TOTAL EXECUTIVE BRANCH		\$438,512,876
TOTAL GENERAL FUND		\$477,947,062
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$33,114,702
I. Capital	\$17,114,702	
II. Debt Service	16,000,000	
Street Construction, Maintenance & Repair Fund		\$24,508,230
I. Personnel and Related Expenses	\$14,417,700	
II. Other Expenses	10,090,530	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$59,622,932

INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$6,346,115
I. Personnel and Related Expenses	\$982,394	
II. Other Expenses	5,363,721	
Division of Motor Vehicle Maintenance		\$15,552,017
I. Personnel and Related Expenses	\$6,202,163	
II. Other Expenses	9,349,854	
Division of Printing and Reproduction		\$1,498,936
I. Personnel and Related Expenses	\$770,020	
II. Other Expenses	728,916	
City Storeroom and Central Warehouse		\$966,618
I. Personnel and Related Expenses	\$85,877	
II. Other Expenses	880,741	
TOTAL INTERNAL SERVICE FUNDS		\$24,363,686

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,868,790
I. Personnel and Related Expenses	\$1,341,603	
II. Other Expenses	527,187	
Radio		\$2,345,247
I. Personnel and Related Expenses	\$147,131	
II. Other Expenses	2,198,116	
Division of Fiscal Control		\$2,825,892
I. Personnel and Related Expenses	\$2,669,646	
II. Other Expenses	156,246	
Division of Water		\$235,479,890
I. Personnel and Related Expenses	\$77,562,372	
II. Other Expenses	157,917,518	
Division of Water Pollution Control		\$23,770,257
I. Personnel and Related Expenses	\$10,641,027	
II. Other Expenses	13,129,230	
Division of Cleveland Public Power		\$167,052,406
I. Personnel and Related Expenses	\$28,396,420	
II. Other Expenses	138,655,986	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$433,342,482

DEPARTMENT OF PORT CONTROL

Airports - Operations		\$149,087,023
I. Personnel and Related Expenses	\$24,413,504	
II. Other Expenses	124,673,519	
TOTAL DEPARTMENT OF PORT CONTROL		\$149,087,023

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,147,643
I. Personnel and Related Expenses	\$1,620,432	
II. Other Expenses	527,211	
Golf Course Fund		\$2,575,445
I. Personnel and Related Expenses	\$1,293,857	
II. Other Expenses	1,281,588	

Division of Parking Facilities-Off Street Parking		\$8,822,378
I. Personnel and Related Expenses	\$1,334,407	
II. Other Expenses	7,487,971	
Division of Convention Center		\$6,614,441
I. Personnel and Related Expenses	\$3,742,662	
II. Other Expenses	2,871,779	
Division of Convention Center & Stadium-West Side Market		\$1,227,024
I. Personnel and Related Expenses	\$585,930	
II. Other Expenses	641,094	
Division of Convention Center & Stadium-Stadium		\$9,663,846
II. Other Expenses	\$9,663,846	
Division of Property Management - East Side Market		\$78,376
I. Personnel and Related Expenses	\$55,431	
II. Other Expenses	22,945	
TOTAL PARKS, RECREATION, & PROPERTIES		\$31,129,153
		<hr/>
TOTAL ENTERPRISE FUNDS		\$613,558,658
		<hr/>
		<hr/>
AGENCY FUND		
Central Collection Agency		\$9,507,272
I. Personnel and Related Expenses	\$6,327,243	
II. Other Expenses	3,180,029	
TOTAL AGENCY FUND		\$9,507,272
		<hr/>
		<hr/>
DEBT SERVICE FUND		
Sinking Fund Commission		\$60,339,516
I. Personnel and Related Expenses	\$157,133	
II. Other Expenses	548,231	
III. Debt Service	59,634,152	
TOTAL DEBT SERVICE FUNDS		\$60,339,516
		<hr/>
		<hr/>

Section 2. That the appropriations made are based on the detail of expenditures set forth in the Mayor's Estimate placed in the above-mentioned file, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in detail. Any unencumbered balance in an appropriation fund at the close of the year 2004 is appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2005 or prior years. The Mayor's Estimate placed in the above-mentioned file, as modified by the schedule published under Section 39 of the Charter shall within the sums appropriated in Section 1 of this ordinance, constitute the expenditure budget for the year 2005 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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.

**Schedule of Changes
(Published pursuant to Section 39 of the Charter)**

The following changes are made to provide for reductions/increases in various departments of City Government; to correct the total of the 2005 Appropriation Ordinance No. 125-05.

**Changes to Ordinance No. 125-05
General Fund 2005**

	Amendments
	Difference
GENERAL FUND	
Legislative Branch	\$ (60,114)
Judicial Branch	\$ (60,466)
Executive Branch	\$ -
Office of the Mayor	\$ (46,757)
Department of Public Safety	\$ (2,469,227)
Community Relations Board	\$ -
Department of Consumer Affairs	\$ -
Department of Public Service	\$ (516,648)
Department of Parks, Recreation & Properties	\$ (197,489)
Urban Planning & Development	\$ (141,583)
Department of Public Health	\$ (9,538)
Department of Aging	\$ (9,545)
Support Functions	\$ (268,145)
Transfers to Other Funds	\$ (2,500,000)
Total Executive Branch	\$ (6,158,932)
TOTAL GENERAL FUND	\$ (6,279,512)
Special Revenue Funds	\$ -
Internal Service Funds	\$ -
Enterprise Funds	\$ -
Trust and Agency Funds	\$ -
Debt Service Funds	\$ -
TOTAL APPROPRIATIONS FOR 2004	\$ (6,279,512)

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council	
I Personnel and Related Expenses	\$ (60,114)
II Other Expenses	\$ -

TOTAL LEGISLATIVE BRANCH

JUDICIAL BRANCH

Municipal Court - Judicial Division	
I Personnel and Related Expenses	\$ (46,299)
II Other Expenses	\$ -

Municipal Court - Housing Division	
I Personnel and Related Expenses	\$ -
II Other Expenses	\$ -

Municipal Court - Clerk's Division	
I Personnel and Related Expenses	\$ (14,167)
II Other Expenses	\$ -

TOTAL JUDICIAL BRANCH

EXECUTIVE BRANCH

Office of the Mayor	
I Personnel and Related Expenses	\$ (46,757)
II Other Expenses	\$ -

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Police		
I Personnel and Related Expenses	\$	(1,042,220)
II Other Expenses	\$	-
Division of Fire		
I Personnel and Related Expenses	\$	(1,272,076)
II Other Expenses	\$	-
Division of Emergency Medical Services		
I Personnel and Related Expenses	\$	(154,931)
II Other Expenses	\$	-
Division of Dog Pound		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
TOTAL DEPARTMENT OF PUBLIC SAFETY		

COMMUNITY RELATIONS BOARD

Community Relations Board		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

TOTAL COMMUNITY RELATIONS BOARD**DEPARTMENT OF CONSUMER AFFAIRS**

Consumer Affairs		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

TOTAL DEPARTMENT OF CONSUMER AFFAIRS**DEPARTMENT OF PUBLIC SERVICE**

Public Service Administration		
I Personnel and Related Expenses	\$	-
II Other Expenses		-
Division of Architecture		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Waste Collection and Disposal		
I Personnel and Related Expenses	\$	(457,850)
II Other Expenses	\$	-
Division of Engineering and Construction		
I Personnel and Related Expenses	\$	(33,487)
II Other Expenses	\$	-
Division of Traffic Engineering		
I Personnel and Related Expenses	\$	(25,311)
II Other Expenses	\$	-

TOTAL DEPARTMENT OF PUBLIC SERVICE**DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES**

Parks, Recreation, and Properties Administration		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Research, Planning, and Development		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

Division of Recreation		
I Personnel and Related Expenses	\$	(40,693)
II Other Expenses	\$	-
Division of Parking Facilities-On Street		
I Personnel and Related Expenses	\$	(17,072)
II Other Expenses	\$	-
Division of Property Management		
I Personnel and Related Expenses	\$	(111,226)
II Other Expenses	\$	-
Division of Park Maintenance and Properties		
I Personnel and Related Expenses	\$	(28,498)
II Other Expenses	\$	-
TOTAL PARKS, RECREATION, AND PROPERTIES		
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Director's Office		
I Personnel and Related Expenses	\$	-
Division of Neighborhood Development		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Neighborhood Services		
I Personnel and Related Expenses	\$	-
TOTAL COMMUNITY DEVELOPMENT		
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir Office		
I Personnel and Related Expenses	\$	(16,962)
II Other Expenses	\$	-
Division of Code Enforcement		
I Personnel and Related Expenses	\$	(23,061)
II Other Expenses	\$	-
Division of Construction Permit		
I Personnel and Related Expenses	\$	(40,121)
II Other Expenses	\$	-
TOTAL BUILDING AND HOUSING		
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Board of Building Standards and Appeals		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Board of Zoning Appeals		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Fair Campaign Finance Commission		
II Other Expenses	\$	-
TOTAL REGULATORY BOARDS		

DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		
I Personnel and Related Expenses	\$	(27,516)
II Other Expenses	\$	-
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		
Office of Equal Opportunity		
I Personnel and Related Expenses	\$	(33,923)
II Other Expenses	\$	-
City Planning Commission		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
TOTAL URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF PUBLIC HEALTH		
Public Health Administration		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Correction		
I Personnel and Related Expenses	\$	(9,538)
II Other Expenses	\$	-
Division of Health		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Environment		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Air Quality		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
TOTAL DEPARTMENT OF PUBLIC HEALTH		
DEPARTMENT OF AGING		
Department of Aging		
I Personnel and Related Expenses	\$	(9,545)
II Other Expenses	\$	-
TOTAL DEPARTMENT OF AGING		
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
Finance Administration		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Accounts		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Assessments and Licenses		
I Personnel and Related Expenses	\$	(19,225)
II Other Expenses	\$	-
Division of Treasury		
I Personnel and Related Expenses	\$	(21,820)
II Other Expenses	\$	-

Division of Purchases and Supplies		
I Personnel and Related Expenses	\$	(40,121)
II Other Expenses	\$	-
Bureau of Internal Audit		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Financial Reporting and Control		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Information Systems Services		
I Personnel and Related Expenses	\$	(135,692)
II Other Expenses	\$	-
Information Tech & Planning		
I Personnel and Related Expenses	\$	(14,698)
II Other Expenses	\$	-
TOTAL DEPARTMENT OF FINANCE		
Office of Budget & Management-Budget Admin.		
I Personnel and Related Expenses	\$	(11,912)
II Other Expenses	\$	-
Department Law		
I Personnel and Related Expenses	\$	(24,677)
II Other Expenses	\$	-
TOTAL FINANCE AND LEGAL ADMINISTRATION		
PERSONNEL ADMINISTRATION		
Office of Personnel		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Civil Service Commission		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
TOTAL PERSONNEL ADMINISTRATION		
NONDEPARTMENTAL		
County Auditor Deductions		
II Other Expenses	\$	-
Other Administrative		
II Other Expenses	\$	-
TOTAL NONDEPARTMENTAL		
TOTAL SUPPORT FUNCTIONS		
TRANSFERS TO OTHER FUNDS		
II Other Expenses	\$	(2,500,000)
TOTAL EXECUTIVE BRANCH		
TOTAL GENERAL FUND	\$	(6,279,512)
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		
I Capital	\$	-
II Debt Service	\$	-

Street Construction, Maintenance & Repair Fund		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Schools Recreation & Cultural Activities Fund		
II Other Expenses	\$	-
TOTAL SPECIAL REVENUE FUNDS		
INTERNAL SERVICE FUND		
Information Systems Services-Telephone Exchange		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Motor Vehicle Maintenance		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Printing and Reproduction		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
City Storeroom and Central Warehouse		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
TOTAL INTERNAL SERVICE FUNDS		
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Utilities Administration		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Radio		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Fiscal Control		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Water		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Water Pollution Control		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
Division of Cleveland Public Power		
I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
TOTAL DEPARTMENT OF PUBLIC UTILITIES		

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront

Airports - Operations

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

TOTAL DEPARTMENT OF PORT CONTROL

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

Golf Course Fund

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

Division of Parking Facilities-Off Street Parking

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

Division of Convention Center

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

Division of Convention Center & Stadium-West Side Market

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

Division of Convention Center & Stadium-Stadium

II Other Expenses	\$	-
--------------------------	----	---

Division of Property Management - East Side Market

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

TOTAL PARKS, RECREATION, & PROPERTIES

TOTAL ENTERPRISE FUNDS

AGENCY FUND

Central Collection Agency

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-

TOTAL AGENCY FUND

DEBT SERVICE FUND

Sinking Fund Commission

I Personnel and Related Expenses	\$	-
II Other Expenses	\$	-
III Debt Service	\$	-

TOTAL DEBT SERVICE FUNDS

Ordinance No. 125-05 is herein published following the Public Hearings and before the third reading and final passage and reflects the necessary amendments required by this schedule.

MOTION

By Council Member Cimperman, seconded by Council Member Conwell and unanimously carried that the absence of Council Members Patricia J. Britt, Nelson Cintron, Jr., Joseph T. Jones and Sabra Pierce Scott, be and are hereby authorized.

MOTION

The Council Meeting adjourned at 7:50 p.m. to meet on Monday, March 14, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

March 2, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 2, 2005, at 10:30 a.m. with Mayor Campbell present.

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

Others: Jim Hardy, Acting Commissioner, Purchases and Supplies.
Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 95-05.

By Director Ciaccia.

Whereas, Board of Control Resolution No. 322-04, adopted May 26, 2004, under authority of Ordinance No. 323-04, passed by the Council of the City of Cleveland on May 10, 2004, approved Shook/Kokosing, LLC for the public improvement of the Nottingham Flocculation/Sedimentation Residuals Project in the amount of \$24,759,790.00 and further approved the employment of The Collinwood Shale Brick & Supply Co. and Minority Trucking & Contracting Assoc., LLC, among others, as subcontractors, for the Division of Water, Department of Public Utilities; and

Whereas, Shook/Kokosing, LLC notified the City that The Collin-

wood Shale Brick & Supply Co. was unable to provide approval submittals in time to comply with the project schedule, and that Thompson Ground Development experienced difficulty providing sufficient trucking services to the job, causing delays affecting the excavation work on the Residuals Building; and

Whereas, the Office of Equal Opportunity has approved the request of Shook/Kokosing, LLC to substitute United Ready Mix for The Collinwood Shale Brick & Supply Co. and to substitute Minority Trucking & Contracting Assoc., LLC for part of Thompson Ground Development's subcontract work and to reduce the subcontract amount to Thompson Ground Development; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 322-04, adopted May 26, 2004, under the authority of Ordinance No. 323-04, passed by the Council of the City of Cleveland on May 10, 2004, approving Shook/Kokosing, LLC for the public improvement of the Nottingham Flocculation/Sedimentation Residuals Project, for the Division of Water, Department of Public Utilities, is amended by substituting United Ready Mix (MBE) in the like amount of \$430,000.00 (1.74%) for The Collinwood Shale Brick & Supply Co. (FBE), by decreasing the subcontract amount of Thompson Ground Development (MBE) from \$305,000.00 (1.23%) to \$100,000.00 (0.40%), and by approving Minority Trucking & Contracting Assoc., LLC (MBE) as a subcontractor in the amount of \$205,000.00 (0.83%).

Be it further resolved that that all other provisions of said Resolution No. 322-04 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 96-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that all bids received on January 26, 2005, for photo lab supplies, all items, for the Division of Police, Department of Public Safety, under the authority of Ordinance No. 783-04, passed by Cleveland City Council on July 14, 2004, are hereby rejected.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 97-05.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76, passed October 25 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, the City has acquired Permanent Parcel Number 009-06-002 under said Land Reutilization program; and

Whereas, Ordinance No. 1183-04, passed June 14, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than Fair Market Value; and

Whereas, Rockport Lands, Ltd., has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1183-04, passed June 14, 2004, by Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Rockport Lands, Ltd., for the sale and development of Permanent Parcel Number 009-06-002, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$150.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program. As additional consideration Rockport Lands, Ltd., shall totally indemnify and hold harmless the City of Cleveland from any and all past, present or future liability arising from the use, operation or ownership of said property.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 98-05.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 004-17-042, 004-17-048, 004-17-049, 004-17-052, 004-17-053 and 004-17-054, located at West 7th and Thurman Streets under said Land Reutilization Program; and

Whereas, Ordinance No. 13-05 passed February 14, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Housing Network, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 13-05 passed February 14, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network, Inc. for the sale and development of Permanent Parcel Nos. 004-17-042, 004-17-048, 004-17-049, 004-17-052, 004-17-053 and 004-17-054, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 99-05.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-22-038 located at East 89th Street in Ward 4; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowner; and

Whereas, James Henry abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with James Henry for the sale and development of Permanent Parcel No. 126-22-038 located at East 89th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 100-05.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Apostolos Group, Inc. d/b/a Thomarios, for the public improvement contract for the Structural Rebuild of the Long Term Parking Garage, for base bid, supplemental base bid plus Contingency Items A1-3 for Nine (9%) percent, Item Nos. A3, A4, A5, A6, A8, A10, S1 and S4 for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on December 8, 2004, pursuant to the authority of Ordinance No. 2375-02, passed on May 12, 2003, upon a unit basis for the public improvement, in the aggregate amount of Four Million Four Hundred Ninety-Nine Thousand Seven Hundred Thirty-Three and 41/100 Dollars (\$4,499,733.41), is affirmed and approved as the lowest responsible bid; and the Director of Port Control is authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by The Apostolos Group, Inc. d/b/a Thomarios, for the public improvement to the Long Term Parking Garage, are approved:

<u>Subcontractor(s)</u>	<u>Dollar Amount</u>
<u>MBE/FBE%</u>	
Western Waterproofing 37.11 FBE%	\$1,669,610.00
Gateway Electric, Inc. 5.41 MBE%	\$ 243,134.00
Cook Paving & Construction 2.28 MBE%	\$ 102,329.00
Commercial Tile & Stone Co. .60 FBE%	\$ 26,890.00
M. Rivera Construction .48 MBE%	\$ 21,448.50

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

Nays: None.

Absent: Director Fumich.

Resolution No. 101-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 2042-03 passed by the Council of the City of Cleveland on December 15, 2003, the firm of Ralph Tyler Companies, is selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Service as the firm of engineers ("Engineers") to be employed by contract for the purpose of supplementing the regularly employed staff of the Division of Architecture in order to provide the professional services necessary for building improvements for the new Park Maintenance Facility for Rockefeller Park.

Be it further resolved, that the Director of Public Service is authorized to enter into a written contract with Ralph Tyler Companies, based upon its proposal dated, December 3, 2004, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized shall not exceed One Hundred Thirty Three Thousand Eight Hundred Seventy Five and no/100 Dollars (\$133,875.00). Reimbursable expenses shall not exceed Twenty Thousand and no/100 Dollars (\$20,000.00). The total compensation to the Engineer shall not exceed One Hundred Fifty Three Thousand Eight Hundred Seventy Five and no/100 Dollars (\$153,875.00).

Be it further resolved, that the employment of the following sub-consultants by Ralph Tyler Companies is approved:

Pardo Consultants (MBE) — \$25,000 (16.25%)
City Blue (FBE) — \$5,000 (3.25%)

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

Nays: None.

Absent: Director Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 21, 2005

9:30 A.M.

Calendar No. 05-36: 6550 Baxter Avenue (Ward 12)

Cleveland Catholic Diocese, owner c/o John Reali, and Thomas Tomsik, agent, appeal to construct a 47' x 215' four-story addition to the existing Central Catholic High School building, to provide for classrooms, administrative offices, a chapel and a one-story gymnasium, proposed to be situated on acreage located in a B1 Two-Family District on the south side of Baxter Avenue and East 67th Street at 6550 Baxter Avenue; contrary to the Regulations for Residence Districts and Section 337.03(b), the building addition requires the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided; and that there is appropriate design and location that meet a community need without adversely affecting the neighborhood, as stated in Section 337.02(f)(3)A of the Codified Ordinances.

Calendar No. 05-37: 6412 Carl Avenue (Ward 13)

Ismael Malave, owner, appeals to install 80 l/f of 4' high chain link fence and three gates along the front yard and western perimeter of the front yard setback of a 40' x 138' lot in a B1 Two-Family District, contrary to the Fence Regulations that require only an ornamental fence material may be installed in actual front yards in Residence Districts, as stated in Section 358.04(c)(1) of the Codified Ordinances.

Calendar No. 05-38: 4081 West 150th Street (Ward 20)

3D Real Estate Management Ltd., owner c/o Norm Slemenda, and Aero Instruments c/o John Creech, appeal for installation and use as a parking lot for 21 spaces, a 9,000 s/f grass field, for a temporary period of 18 months, in a B3 General Industry District on the east side of West 150th Street at 4081 West 150th Street; the proposed off-street parking is contrary to Section 349.07(a) that requires all accessory off-street parking spaces to be properly graded for drainage within the lot and that the lot shall be surfaced with asphalt or concrete and maintained according to the Requirements for Off-Street Parking and Loading as stated in the Codified Ordinances.

Calendar No. 05-40: 11124 Fidelity Avenue (Ward 19)

Cleveland Christian Home, owner c/o Beatrix Gasslein, appeal to construct a 27' x 77' two-story, six units apartment building to the south of the Cleveland Christian Home buildings, facing Fidelity Avenue and situated on an irregu-

lar shaped corner lot in a B1 Two-Family District near the southwest corner of Fidelity Avenue and Bosworth Road at 11124 Fidelity Avenue; with the proposed construction being subject to the limitations of Section 337.03 where a multi-family apartment building is not permitted in a B1 Two-Family District but first allowed in a Multi-Family District as stated in Section 337.08 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 7, 2005

At the meeting of the Board of Zoning Appeals on Monday, March 7, 2005, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 05-29: 13448 Puritas Avenue
Cuyahoga Metropolitan Housing Authority appealed to erect three new duplex housing units in an existing legal nonconforming residential development site in an A1 One-Family District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 05-18: Appeal of Charles Hart Communications Inc., 870 East 185th Street
Charles F. Hart appealed from an order issued by the Commissioner of Assessments and Licenses on January 7, 2005 to remove an outdoor payphone.

The following appeal was **Withdrawn:**

Calendar No. 05-12: 3891 East 147th Street
Gary L. Jackson appealed to erect a 34' x 22' two-story reverse gable garage in an A1 One-Family District.

The following appeals were **Postponed:**

Calendar No. 05-26: 2175 Cornell Road postponed to March 28, 2005.

Calendar No. 05-27: 7500 Euclid Avenue postponed to March 28, 2005.

Calendar No. 05-28: 4090 East 93rd Street postponed to April 11, 2005.

Calendar No. 05-13: 269-71 East 156th Street postponed to April 25, 2005.

In Executive Session on March 7, 2005, the following appeals heard by the Board on February 28, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-22: 3200 West 33rd Street
Mercedarian Plaza LP appealed to erect a three-story, 30 unit senior

housing building in a B1 Two-Family District.

Calendar No. 05-24: 1621 Clark Avenue

Marie and Edward Lipinski appealed to erect a 15' x 20' one-story frame accessory garage in a Multi-Family District.

Calendar No. 04-322: 11415-39 St. Clair Avenue

City of Cleveland Land Bank, owner, and Dave Ali, prospective purchaser, appealed to construct an accessory parking lot for a truck rental business in a Local Retail Business District; subject conditions.

The following appeal was **Denied:**

None.

The following appeals heard by the Board on February 14, 2005 were adopted and approved on March 7, 2005:

The following appeals were **Approved:**

Calendar No. 04-331: 10733 Leuer Avenue

Liberty Self-Storage and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in a B3 Semi-Industry District; with conditions.

Calendar No. 04-332: 2120 West 55th Street

Pleasant Valley Associates and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in a B3 General Industry District; with conditions.

Calendar No. 04-333: 2019 West 3rd Street

United Garage and Service Corporation and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in a B3 General Industry District.

Calendar No. 04-334: 3185 Independence Road

Wheeling & Lake Erie Railroad and Clear Channel Outdoor appealed to erect a 672 s/f electronically changeable copy billboard in an A3 Unrestricted Industrial District; with conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, MARCH 18, 2005

Purchase of Electronic Parking Meters with an 24-hour Clock, for the Division of Parking Facilities, Department of Parks, Recreation, & Properties, as authorized by Ordinance No. 2308-04, passed by the Council of the City of Cleveland, December 8, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY MARCH 11, 2005 AT 10:00A.M., DIVISION OF PARKING FACILITIES, 500 LAKESIDE AVENUE, 2ND FLOOR, CLEVELAND, OHIO 44114.

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

March 2, 2005 and March 9, 2005

WEDNESDAY, MARCH 30, 2005

Miscellaneous Test Equipment, Repair and Training, for the Divi-

sion of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 247-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING** WEDNESDAY, MARCH 16, 2005 AT 11:00 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.

March 2, 2005 and March 9, 2005

WEDNESDAY, MARCH 23, 2005

Fitness Equipment, for the Division of Recreation, Department of Parks, Recreation, & Properties, as authorized by Ordinance No. 184-05, passed by the Council of the City of Cleveland, February 7, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 17, 2005 AT 11:00 A.M., ROOM 8, CITY HALL, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

One (1) Cab/ Chassis With Air/Light Unit Body, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 18, 2005 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 9, 2005 and March 16, 2005

WEDNESDAY, MARCH 30, 2005

Labor And Materials Necessary to Maintain and Repair Automatic Doors, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 2237-04, passed by the Council of the City of Cleveland, January 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 18, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 9, 2005 and March 16, 2005

THURSDAY, MARCH 31, 2005

2005-6 Labor And Materials to Repair Water Mains — Area East, for the Division of Water,

Department of Public Utilities, as authorized by Ordinance No. 2292-04, passed by the Council of the City of Cleveland, January 31, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 18, 2005 AT 10:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 9, 2005 and March 16, 2005

FRIDAY, APRIL 1, 2005

Purchase of Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 764-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 22, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 9, 2005 and March 16, 2005

THURSDAY, APRIL 7, 2005

Fence Installation And/Or Repairs, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 785-04, passed by the Council of the City of Cleveland, June 7, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, MARCH 24, 2005 AT 11:00 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.

March 9, 2005 and March 16, 2005

WEDNESDAY, APRIL 20, 2005

Baldwin Rapid Mix/Flocculation/Sedimentation Project, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2294-04 Pending.

THERE WILL BE A **NON-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** MONDAY, MARCH 21, 2005 AT 9:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 9, 2005 and March 16, 2005

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 2372-04.

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

An emergency resolution declaring it necessary to reconstruct or abandon sidewalk vaults encroaching upon the public right-of-way on Euclid Avenue between Public Square and East 70th Street; and revoking any and all existing encroachment permits for all sidewalk vaults in the assessment area.

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 it is necessary and conducive to the public health and welfare that Euclid Avenue between Public Square and East 70th Street be improved by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way or otherwise improving vaults appurtenant to the right-of-way in accordance with plans, specifications and profiles.

Section 2. That the plans, specifications and profiles for improvement of the sidewalk vaults, at the estimated cost of \$8,022,267.70 prepared and placed in File No. 2372-04-B in the office of the Clerk of Council, are approved by this Council.

Section 3. That so much of the cost and expense of the improvements less, in any event one-fiftieth of the cost, and less the entire cost of intersections, as shall be found to be a proper charge, shall be assessed on all lots and lands abutting on, and other specially benefited property adjacent to Euclid Avenue between Public Square and East 70th Street, in proportion to the benefits which may result from the improvement, and it is determined that the lots and lands are specially benefited by the improvements. The cost of the work shall include the cost of plans, specifications, profiles and estimates and of printing, serving, and publishing notices, resolutions and ordinances, the cost of all labor and materials, including securing the improvement site, and all other necessary expenditures. The Director of Public Service has fixed ten (10) years as the estimated life of the improvements.

Section 4. That the entire amounts to be levied shall be paid in ten (10) annual installments, with interest on deferred payments at the rate of 4.2% per annum provided, however, that the owner of any property assessed may, at his option, pay the principal amount of the assessment in cash within 40 days from and after the passage of the assessing ordinance.

Section 5. That the remainder of the cost of the improvement not specially assessed, as provided, shall be paid from Fund No. 20 SF 500.

Section 6. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an

estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based on the estimated cost of the improvement under the plans and specifications and profiles now on file in the Office of the Clerk of Council. The estimated assessments shall be filed in the Office of the Clerk and kept available for public inspection. After filing the estimated assessments in the Office of Clerk of Council, the Commissioner of Assessments and Licenses is authorized and directed to cause notice of passage of this Resolution and of the filing of said estimated assessments to be served upon the owners of all lots and lands to be assessed in the manner provided by law.

Section 7. That as of the effective date of this ordinance, all existing encroachment permits currently in effect for sidewalk vaults in the assessment area are revoked and shall be null and void. The Director of Public Service shall serve notice of the revocation on all affected property owners.

Section 8. 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 February 28, 2005.

Effective March 2, 2005.

Res. No. 288-05.

By Council Member Lewis.

An emergency resolution declaring this Council's support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Famicos Foundation is proposing to redevelop 35 units of Senior housing in the Wade Chateau Apartment building at 9501 Superior Avenue; and

Whereas, 100% of these units will be occupied by low-income seniors, with no market rate units; and

Whereas, no less than 100% of the units will serve a special needs population, specifically households for elderly residences and in need of senior supportive services as defined in the 2005 Qualified Allocation Plan; and

Whereas, Famicos Foundation's proposal 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 this Council hereby declares its support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

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 February 28, 2005.

Effective March 2, 2005.

Res. No. 289-05.

By Council Member Lewis.

An emergency resolution declaring this Council's support of the proposal of Famicos Foundation and/or its assigns for the development and rehabilitation of Historic Newton Avenue Apartments using housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Famicos Foundation is proposing to substantially rehabilitate 32 affordable housing units in the Historic Newton Avenue Apartments located at 1871 and 1877 East 9th Street; and

Whereas, 100% of these units will be occupied by low-income families, with no market rate units; and

Whereas, no less than 20% of the units will serve a special needs population, specifically households with incomes at or below 35% of the area median income; and

Whereas, Famicos Foundation's proposal 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 this Council hereby declares its support of the proposal of Famicos Foundation and/or its assigns for the development and rehabilitation of Historic Newton Avenue Apartments using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 295-05.

By Council Member Gordon.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland Housing Network Limited Partnership XXII SC to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Cleveland Housing Network Limited Partnership XXII is proposing to develop up to seventy (70) housing units on scattered sites throughout the City of Cleveland with a special emphasis on the Cleveland East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, at least ten percent (10%) of these housing units will be affordable to households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Cleveland Housing Network Limited Partnership XXII to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 the Cleveland Housing Network, Inc.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 296-05.

By Council Member Gordon.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland Housing Network Limited Partnership XXII SC to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Cleveland Housing Network Limited Partnership XXII SC is proposing to develop up to seventy (70) housing units on scattered sites throughout the City of Cleveland with a special emphasis on the South Central submarket as defined by the Ohio Housing Finance Agency; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, at least ten percent (10%) of these housing units will be affordable to households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Cleveland Housing Network Limited Partnership XXII SC to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 the Cleveland Housing Network, Inc.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 297-05.

By Council Member Gordon.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland West Homes LP to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Cleveland West Homes LP is proposing to develop up to thirty (30) housing units on scattered sites throughout the City of Cleveland with a special emphasis on the Cleveland West submarket as defined by the Ohio Housing Finance Agency; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, at least ten percent (10%) of these housing units will be affordable to households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the project does not serve a special needs population; 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 Cleveland West Homes LP to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 the Cleveland Housing Network, Inc.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 298-05.

By Council Members Brady, White, Britt, Polensek, O'Malley, Pierce Scott, Sweeney, Jackson, Zone, Lewis, Westbrook, Coats and Cintron.

An emergency resolution encouraging the United States Congress to first commit to paying back to the Social Security Trust Fund all of the money it borrowed from the fund; encouraging the United States Congress to carefully study potential changes to the Social Security system; encouraging the United States Congress to adopt changes that strengthen Social Security's family income protections; and encouraging the United States Congress to reject proposals that would divert money out of Social Security and into private accounts.

Whereas, Social Security's income protections, guaranteed, lifelong benefits, cost-of-living adjustments

to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits, are the backbone of retirement security and family protection in the United States; and

Whereas, Social Security provides crucial, often indispensable income protection for the 47 million individuals, one of every six Americans, receiving benefits; and

Whereas, Social Security is the nation's most successful and most important family income protection program, but is has long-term funding needs that need to be addressed; and

Whereas, some policymakers propose to address these needs by cutting guaranteed benefits and privatizing Social Security, that is, diverting a third or more of workers' payroll tax contributions out of the Social Security Trust Fund and into private investment accounts; and

Whereas, privatization will worsen Social Security's funding needs by draining resources from the Trust Fund into private accounts, increasing the federal deficit by two trillion dollars over the first decade alone and more in the future and putting the United States deeper in debt to foreign creditors; and

Whereas, some officials and members of Congress have suggested the federal government will not pay back money it has taken from the Social Security Trust Fund over the past twenty years and used for other things, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

Whereas, privatizing Social Security will cut guaranteed benefits by thirty percent (30%) for young workers, even for those who do not participate in private accounts, denying them benefits they have earned and imperiling their economic security; and

Whereas, cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans, providing at least half the income of nearly two-thirds of older American households and lifting more than eleven million seniors out of poverty; and

Whereas, cutting guaranteed benefits will hurt women and people of color, as they are more likely than white men to rely on Social Security for most of their retirement income, they earn less money than white men and are, therefore, less able to save for retirement, and they are less likely than white men to receive job-based pensions in retirement; and

Whereas, diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families, particularly African Americans, as roughly one in five workers dies before retiring and nearly three in ten become too disabled to work before reaching retirement age; and

Whereas, privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase demands for public assistance at the very moment

growth in the federal deficit due to privatization induces the federal government to shift greater responsibilities onto state and local governments; and

Whereas, Congress should not rush through drastic and damaging changes in Social Security that undermine its family income protections, but instead, should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit; 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 encourages the United States Congress to first commit to paying back to the Social Security Trust Fund all of the money it borrowed from the Security Fund.

Section 2. That this Council encourages the United States Congress to carefully study a variety of potential changes that will address Social Security's problems in a manner that ensures the Social Security program will continue to meet its purpose of providing income protection and economic security for America's families.

Section 3. That this Council encourages the United States Congress to adopt changes that strengthen Social Security's family income protections without slashing guaranteed benefits and increasing the deficit.

Section 4. That this Council encourages the United States Congress to reject proposals that would divert money out of Social Security and into private accounts.

Section 5. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown, Congressman Steven LaTourette, and the Coalition to Protect Social Security.

Section 6. 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 February 28, 2005.
Effective March 2, 2005.

Res. No. 299-05.

By Council Member Britt.

An emergency resolution declaring Cleveland City Council's support of the proposal of Erie Square Apartments, L.P. to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates

housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Erie Square Apartments, L.P., is proposing to develop up to eighty-nine (89) housing units at 7621-7711 Euclid Avenue, in the City of Cleveland, Ohio and is seeking an allocation of additional tax credits; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, in 2003, the project elected to serve a special needs population of extremely low-income households (those having incomes below thirty-five percent (35%) of the area median income) and no additional special needs population is being designated in 2005; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Erie Square Apartments, L.P. to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 the Cleveland Housing Network, Inc.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 300-05.

By Council Member Conwell.

An emergency resolution declaring Cleveland City Council's support of the proposal of Emerald Alliance, L.P. II to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Emerald Alliance, L.P., II, is proposing to develop up to ninety (90) housing units at the Southeast corner of Eddy Road and Edmonton Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to individuals with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, at least fifty percent (50%) of these housing units will serve a special needs population, consisting of single adults with disabilities who have been homeless; and

Whereas, support services will be made available, both on-site and off-site, to these individuals; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Emerald Alliance, L.P. II to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 Directors of Emerald Development & Economic Network, Inc. and Cleveland Housing Network, Inc.

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 February 28, 2005.
Effective March 2, 2005.

**Res. No. 301-05.
By Council Members Zone and Cintron.**

An emergency resolution declaring Cleveland City Council's support of the proposal of Stockyard Homes LP-1 by Stockyard Redevelopment Organization and the Cleveland Housing Network to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Stockyard Redevelopment Organization and the Cleveland Housing Network are proposing to construct up to thirty (30) single-family homes on scattered Land Bank and privately held lots in the stockyard Neighborhood, to be called Stockyard Homes LP-1; and

Whereas, all of the units will be affordable to families or individuals at or below sixty percent (60%) area median income; and

Whereas, each of these homes will be lease-purchase homes, with three to four bedrooms, available for homeownership in year sixteen of the project; and

Whereas, there will be no market rate units; and

Whereas, the project does not serve a special needs population; and

Whereas, this Council of the City of Cleveland supports the proposal to develop affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Stockyard Homes LP-1 by Stockyard Redevelopment Organization and the Cleveland Housing Network in order to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 Directors of the Stockyard Redevelopment Organization and the 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 February 28, 2005.
Effective March 2, 2005.

**Res. No. 302-05.
By Council Member Pierce Scott.**

An emergency resolution declaring Cleveland City Council's support of the proposal of Emerald Alliance, L.P. II to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

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

Whereas, Emerald Alliance, L.P., II, is proposing to develop up to ninety (90) housing units at the Southeast corner of East 100th Street and St. Clair Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to individuals with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, at least fifty percent (50%) of these housing units will serve a special needs population, consisting of single adults with disabilities who have been homeless; and

Whereas, support services will be made available, both on-site and off-site, to these individuals; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Emerald Alliance, L.P. II to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 Directors of Emerald Development & Economic Network, Inc. and Cleveland Housing Network, Inc.

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 February 28, 2005.
Effective March 2, 2005.

**Res. No. 305-05.
By Council Members Sweeney, Gordon, Jackson and Cintron.**

An emergency resolution urging the United States Congress to consider additional funding and adequate budget to support the NASA Glenn Research Center so as to preserve it research capacity and personnel levels.

Whereas, the NASA Glenn Research Center employs over 3,300 fulltime employees; and

Whereas, the NASA Glenn Research Center provides valuable research in space power and propulsion; and

Whereas, the NASA Glenn Research Center provides aeronautics research that aircraft companies cannot fund, due to the cost and risk; and

Whereas, local expertise helps design safer, quieter, higher-powered and more fuel efficient aircraft for commercial and military applications; and

Whereas, the Glenn Research Center also designs scientific experiments for the orbiting space station, including experiments for producing new drugs, increasing automobile gas mileage and reducing pollution; and

Whereas, the European Union is proposing a \$100 billion public-private partnership to make its aeronautic industry the world leader by 2020, further jeopardizing jobs in the United States; and

Whereas, proposed changes to the NASA Glenn Research Center bud-

get will negatively impact research at our local universities by reducing the size of the facility and the learning and employment opportunities for students ; and

Whereas, the proposed changes to the NASA Glenn Research budget will cause the loss of approximately 1, 100 civil and private sector jobs; 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. Urging the United States Congress to consider additional funding and adequate budget to support the NASA Glenn Research Center so as to preserve its research capacity and personnel levels.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Subcommittee Chair Christopher Bond, U.S. Representatives Sherrod Brown, Stephanie Tubbs-Jones, Dennis Kucinich and Steven C. LaTourette, and Governor Robert Taft.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 306-05.

By Council Members Westbrook, Sweeney, Jackson, O'Malley, White, Zone, Britt, Brady, Polensek, Reed, Pierce Scott, Coats and Cintron.

An emergency resolution urging the United States Congress to reject any budget reduction and reconciliation process for fiscal year 2006 related to Medicaid reform or other domestic discretionary programs that shift additional costs to the states and cities and/or result in cuts in services; urging the United States Congress to reject any cap on federal funding for the Medicaid program; and urging the United States Congress to adopt a balanced approach to deficit reduction.

Whereas, the budget proposal sent to Congress by President George W. Bush includes a five year cap on discretionary spending that requires more than \$2.5 billion in discretionary spending cuts in Ohio; and

Whereas, the President's budget for Medicaid proposes a \$60 billion reduction in Medicaid spending over the next ten years; and

Whereas, the Medicaid program provides access to health care for Cleveland's most vulnerable citizens, including low-income children, parents, pregnant women, people

with disabilities, and senior citizens; and

Whereas, the discretionary and mandatory spending cuts proposed by the President will impact the people of Cleveland in numerous negative ways; and

Whereas, such negative impacts will affect educational programs, community development programs, health care services, child care services, services for abused children, environmental protections, energy assistance programs, juvenile justice, veterans benefits, vocational education, law enforcement, HIV/AIDS treatment, and many others; and

Whereas, it is unfair to place the burden of deficit reduction entirely on domestic programs; and

Whereas, in addition to the proposed domestic program cuts, the President and some Members of Congress are advocating to make the temporary tax cuts passed in 2001 and 2003 permanent and are proposing the implementation of a new round of tax cuts; and

Whereas, these tax cuts benefit wealthier Americans; 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 urges the United States Congress to reject any budget reduction and reconciliation process for fiscal year 2006 related to Medicaid reform or other domestic discretionary programs that shift additional costs to the states and cities and/or result in cuts in services.

Section 2. That this Council urges the United States Congress to reject any cap on federal funding for the Medicaid program whether in the form of an allotment, an allocation, or a block grant.

Section 3. That this Council urges the United States Congress to adopt a balanced approach to deficit reduction and to reject any effort to enact new tax cuts or to extend existing tax cuts.

Section 4. That the Clerk of Council is hereby requested to transmit copies of this resolution to President of the United States Senate, the Speaker of the United States House of Representatives, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, Congressman Sherrod Brown and the Members of the National League of Cities.

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 February 28, 2005.
Effective March 2, 2005.

Res. No. 307-05.

By Council Members Zone, Coats, Pierce Scott, O'Malley, Sweeney, White, Britt, Brady, Polensek, Westbrook and Lewis.

An emergency resolution opposing the Clear Skies Act of 2005 as it would limit the states' authority to regulate local air quality and pursue polluters and urging Senator George Voinovich to reconsider his support of the Act.

Whereas, several weeks ago, the U.S. Senate reintroduced amendments to the Clean Air Act, which amendments are known as the Clear Skies Act; and

Whereas, the Clear Skies Act is supposed to target emissions from power plants and oil refineries and allegedly replicates the acid rain cap-and-trade program; and

Whereas, however, testimony on behalf of state and local air pollution control officials maintains that the Clear Skies measure would strip away enforcement tools provided in the current Clean Air Act and would delay emissions reductions, compared to reductions already called for by the Clean Air Act; and

Whereas, the proposed Clear Skies Act weakens states' authority on clean air by stripping states of the powers they have under the Clean Air Act, including the authority to set tougher air pollution standards; and

Whereas, the proposed Clear Skies Act also weakens the Clean Air Act's public health safeguards protecting local air quality; and

Whereas, individual states have the right to set policy concerning the health and welfare of their citizens; and

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

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

Section 1. That this Council hereby opposes the Clear Skies Act of 2005 as it would limit the states' authority to regulate local air quality and pursue polluters and urges Senator George Voinovich to reconsider his support of the Act.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President George W. Bush, Senator George Voinovich, Oklahoma Senator James Inhofe, Governor Bob Taft, the Director of the National League of Cities, and the Director of 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 February 28, 2005.
Effective March 2, 2005.

Res. No. 311-05.**By Council Member Cimperman.****An emergency resolution objecting to the transfer of Liquor License of a D2, D2X and D3 Liquor Permit to 1266 W. Sixth Street, Suite 103, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D2, D2X and D3 Liquor Permit from 10510 Tavern, Inc., DBA Hollywood Lounge, 10510 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 6551098 to 1267 West Sixth Street, LLC, 1266 West Sixth Street, Suite 103, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 6548565; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D2, D2X and D3 Liquor Permit from 10510 Tavern, Inc., DBA Hollywood Lounge, 10510 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 6551098 to 1267 West Sixth Street, LLC, 1266 West Sixth Street, Suite 103, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 6548565, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted February 28, 2005.

Effective March 2, 2005.

Res. No. 312-05.**By Council Member Cimperman.****An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 4829 Superior Avenue, and repealing Resolution No. 1548-04, objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 4829 Superior Avenue by Resolution No. 1548-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to SCS Enterprises, Inc. DBA Marbles Grill & Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934 be and the same is hereby withdrawn and Resolution No. 1548-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 28, 2005.

Effective March 2, 2005.

Res. No. 313-05.**By Council Member Coats.****An emergency resolution withdrawing objections to the renewal of a D5 and D6 Liquor Permit at 14045 St. Clair Avenue repealing Resolution Nos. 1295-03 and 1558-04, objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 14045 St. Clair Avenue by Resolution No. 1295-03 adopted by the Council on July 16, 2003 and by Resolution No. 1558-04 adopted by the Council on August 11, 2004; and

Whereas, this Council wishes to withdraw its objections 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 objections to a D5 and D6 Liquor Permit to Bill's Lounge, 14045 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 0717802 be and the same is hereby withdrawn and Resolution Nos. 1295-03 and 1558-04, containing such objections, 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 February 28, 2005.

Effective March 2, 2005.

Res. No. 314-05.**By Council Member Jackson.****An emergency resolution withdrawing objection to the transfer of liquor license of a C2 and C2X Liquor Permit at 3609 Community College Avenue and repealing Resolution No. 1864-04, objecting to said transfer.**

Whereas, this Council objected to the transfer of liquor license of a C2 and C2X Liquor Permit to Curtis E. Hunt, DBA Right on Time Food & Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent No. 4073963-0001, adopted by the Council on October 4, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Curtis E. Hunt, DBA Right on Time Food and Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent Number 4073963-0001 be and the same is hereby withdrawn and Resolution No. 1864-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted February 28, 2005.

Effective March 2, 2005.

Res. No. 315-05.**By Council Member Johnson.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2886 Woodhill Road, and repealing Resolution No. 1335-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2886 Woodhill Road by Resolution No. 1335-04 adopted by the Council on August 14, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 2886 Woodhill Road, Inc., 2886 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 9116630 be and the same is hereby withdrawn and Resolution No. 1335-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 28, 2005.

Effective March 2, 2005.

Res. No. 316-05.**By Council Member Jones.**

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4360 Lee Road, and repealing Resolution No. 1337-04, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4360 Lee Road by Resolution No. 1337-04 adopted by the Council on August 14, 2004; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Lee Miles Service, DBA Lee-Miles Citgo, 4360 Lee Road, Cleveland, Ohio 44128, Permanent Number 5088723 be and the same is hereby withdrawn and Resolution No. 1337-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the

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

Adopted February 28, 2005.

Effective March 2, 2005.

Res. No. 317-05.**By Council Member Jones.**

An emergency resolution objecting to a New C1 Liquor Permit at 14201 Miles Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 14201 Miles, Inc., DBA Yaba Market, 14201 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 2850917; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 14201 Miles, Inc., DBA Yaba Market, 14201 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 2850917; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

hearing be held in Cleveland, Cuyahoga County.

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

Adopted February 28, 2005.

Effective March 2, 2005.

Res. No. 318-05.**By Council Member Pierce Scott.**

An emergency resolution objecting to a New C1 Liquor permit at 7516 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Abu Khalid, Inc., DBA Food Town Supermarket, 7516 St. Clair Avenue, Cleveland, Ohio 44106, Permanent Number 00373000005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Abu Khalid, Inc., DBA Food Town Supermarket, 7516 St. Clair Avenue, Cleveland, Ohio 44106, Permanent Number 00373000005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 28, 2005.
Effective March 2, 2005.

Res. No. 321-05.

By Council Member Rybka.

An emergency resolution objecting to a New C1 and C2 Liquor Permit at 3628 Independence Road, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 and C2 Liquor Permit at Yabas & Yamas Corporation, DBA 3 M Food Market, 3628 Independence Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 9806201; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1

and C2 Liquor Permit at Yabas & Yamas Corporation, DBA 3 M Food Market, 3628 Independence Road, 11 floor and basement, Cleveland, Ohio 44105, Permanent Number 9806201; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 28, 2005.
Effective March 2, 2005.

Res. No. 322-05.

By Council Member Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 15649 Puritas Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from C & S Beverage & Deli, Inc., DBA C & S Beverage & Deli, 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 1173501 to Bhavna, Inc., 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 0683891; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure provid-

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from C & S Beverage & Deli, Inc., DBA C & S Beverage & Deli, 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 1173501 to Bhavna, Inc., 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 0683891; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 28, 2005.
Effective March 2, 2005.

Res. No. 323-05.

By Council Member Sweeney.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 13999 Lorain Avenue, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Rondor, Inc., DBA Normandie Inn, 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 7521092 to EMC Properties, Inc., 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 2503720; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement

officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Rondor, Inc., DBA Normandie Inn, 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 7521092 to EMC Properties, Inc., 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 2503720; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 28, 2005.
Effective March 2, 2005.

Res. No. 324-05.

By Council Member Zone.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 8309 Madison Avenue, 1st floor and basement, and repealing Resolution No. 1356-04, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 8309 Madison Avenue, 1st floor and basement by Resolution No. 1356-04 adopted by the Council on July 14, 2004; and

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

Whereas, this resolution constitutes an emergency measure provid-

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Eagle Bar, Inc., 8309 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 1545444 be and the same is hereby withdrawn and Resolution No. 1356-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 28, 2005.
Effective March 2, 2005.

Res. No. 325-05.

By Council Member Zone.

An emergency resolution withdrawing objections to the transfer of stock and renewal of a D2 and D2X Liquor Permit at 8002 Detroit Avenue, and repealing Resolution Nos. 1904-03 and 1369-04, objecting to said transfer and renewal.

Whereas, this Council objected to the transfer of stock of a D2 and D2X Liquor Permit to 8002 Detroit Avenue by Resolution No. 1904-03 adopted by the Council on September 29, 2003 and to the renewal by Resolution No. 1369-04 adopted by the Council on July 14, 2004; and

Whereas, this Council wishes to withdraw its objections to the above transfer and renewal and consents to said transfer and 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 objections to a D2 and D2X Liquor Permit to 8002 Detroit, Inc., DBA American Food Mart, 8002 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 2455400 be and the same is hereby withdrawn and Resolution Nos. 1904-03 and 1369-04, 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 February 28, 2005.
Effective March 2, 2005.

Ord. No. 1665-04.

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

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

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

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

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

1. Carnegie Avenue
2. Cornell Road Bridge
3. Eagle Viaduct demolition
4. Jennings Road
5. Big Creek Watershed improvement

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

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

Passed February 28, 2005.
Effective March 2, 2005.

Ord. No. 126-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software, including maintenance and support, for the various divisions of City government, for a period of six months, with one option to renew for an additional six-month period.

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 a six-month period, with one option to renew for an additional six-month period of the necessary items of various types of computer hardware and software, including but not limited to, desktops, servers, laptops, printers, PDAs, tablets, scanners, and other multi-functional devices, network switches, hubs, routers, related equipment, and maintenance and support for those items purchased under this ordinance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of 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 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 146220)

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 Finance 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 February 28, 2005.
Effective March 2, 2005.

Ord. No. 128-05.

By Council Member White.

An emergency ordinance to name the recreation center located at 11300 Miles Road as "Earle B. Turner Recreation Center".

Whereas, the recreation center located at 11300 Miles Road has not been officially named; and

Whereas, Earle B. Turner served as the Ward 2 Councilman for 21 years; and

Whereas, Earle B. Turner currently serves as the Clerk of Cleveland Municipal Court; and

Whereas, it is appropriate to honor Earle B. Turner's service to the City of Cleveland; and

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

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

Section 1. That the recreation center located at 11300 Miles Road is hereby named "Earle B. Turner Recreation Center".

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

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

Passed February 28, 2005.
Effective March 2, 2005.

Ord. No. 167-05.

By Council Member Jackson (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$85,000,000 to refund certain of the City's outstanding general obligation bonds and authorizing matters with respect to the bonds and the refunding.

Whereas, the City seeks to obtain debt service savings from refinancing certain outstanding general obligation bonds of the City, consisting of designated maturities of bonds issued in 1994, 1996, 1997, 1998, 1999, 2000, 2002, 2003 and 2004 for the purposes described below; and

Whereas, pursuant to Ordinance Nos. 872-94, 873-94, 874-94 and 875-94, all passed on May 23, 1994, Various Purpose General Obligation Bonds, Series 1994, in the aggregate principal amount of \$41,790,000, dated as of October 1, 1994 (the "1994 Various Purpose Bonds"), were issued for the purpose of providing funds to pay costs of the following: (i) \$24,545,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways between certain termini, and improving certain roadways, driveways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways, by planting trees and

landscaping, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 872-94) ("Project 1"); (ii) \$6,325,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 873-94) ("Project 2"); (iii) \$1,020,000 principal amount for certain improvements related to urban renewal and residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto (Ordinance No. 874-94) ("Project 3"); and (iv) \$9,900,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities for various City Departments, street maintenance facilities, waste collection facilities, parking facilities, West Side Market facilities, City Hall, and facilities for administrative functions related to the foregoing, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate therefor (Ordinance No. 875-94) ("Project 4); and

Whereas, pursuant to Ordinance Nos. 938-96, 939-96, 940-96, 941-96 and 943-96, all passed on June 18, 1996, Various Purpose General Obligation Bonds, Series 1996, in the aggregate principal amount of \$45,140,000, dated as of July 15, 1996 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1996 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$17,835,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, resetting and constructing catch basins and other storm drainage

facilities, constructing, reconstructing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose and installing signs, signals, markings and other devices for traffic control purposes, together with off-street parking lot improvements to facilitate the flow of traffic, and together with the payment of all associated preliminary and computerization costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 938-96) ("Project 5"); (ii) \$1,055,000 principal amount for public improvements of streets and municipal properties and easements in residential areas by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 939-96) ("Project 6"); (iii) \$2,545,000 principal amount for reconstructing, rehabilitating, remodeling, renovating and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, the Municipal Courts, fire stations and police, correctional and health facilities and the provision of the necessary furnishings, equipment and site improvements for the purpose (Ordinance No. 940-96) ("Project 7"); (iv) \$5,045,000 principal amount for improving municipal recreational facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, recreation centers and other buildings, structures and facilities, providing necessary furnishings, equipment and site improvements, together with all necessary and incidental appurtenances, in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 941-96) ("Project 8"); and (v) \$2,010,000 principal amount for remodeling, renovating, rehabilitating, equipping and otherwise improving the Cleveland Convention Center, together with all appurtenances necessary and incidental thereto (Ordinance No. 943-96) ("Project 9"); and

Whereas, pursuant to Ordinance Nos. 920-97, 921-97, 922-97 and 925-97, all passed on June 9, 1997, Various Purpose General Obligation Bonds, Series 1997, in the aggregate principal amount of \$70,145,000, dated as of August 1, 1997 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1997 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$9,900,000 principal amount for improving the munic-

ipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 920-97) ("Project 10"); (ii) \$10,710,000 principal amount for constructing, reconstructing, rehabilitating, remodeling, renovating, protecting and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, the Municipal Court, fire stations, service stations, waste transfer and disposal facilities, and correctional and health facilities and the provision of necessary furnishings, equipment and site improvements for the purpose (Ordinance No. 921-97) ("Project 11"); (iii) \$2,905,000 principal amount for improving municipal park and recreation facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, park and recreation centers and other buildings, structures and facilities, and providing necessary drainage, lighting, signage, furnishings, equipment, safety modifications and site improvements, together with the payment of all preliminary associated costs and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 922-97) ("Project 12"); and (iv) \$980,000 principal amount for public improvements of municipal properties and easements in residential area neighborhoods by constructing and reconstructing sidewalks, curbs, gutters and driveway approaches, together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 925-97) ("Project 13"); and

Whereas, pursuant to Ordinance Nos. 980-98, 981-98, 982-98, 983-98 and 984-98, each passed on July 29, 1998, Various Purpose General Obligation Bonds, Series 1998 in the aggregate principal amount of \$49,075,000, dated as of October 1, 1998 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1998 Various Purpose Bonds"), were issued to pay costs of the following

improvements: (i) \$3,615,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 980-98) ("Project 14"); (ii) \$1,020,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 981-98) ("Project 15"); (iii) \$1,880,000 principal amount for improving municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating such facilities, buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, installing access roadways including any necessary bridges and culverts, installing utility lines, laying out and numbering burial plots, and planting and landscaping, together with all appurtenances necessary and incidental thereto, and including the acquisition of any required real estate and interests in real estate (Ordinance No. 982-98) ("Project 16"); (vi) \$6,930,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services and permitting the performance of services utilized by the public or otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, safety stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities and other infrastructure, and site improvements for the purpose, together with all preliminary associated research, planning and development (Ordinance No. 983-98) ("Project 17"); and (v) \$10,900,000 princi-

pal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 984-98) ("Project 18").

Whereas, pursuant to Ordinance Nos. 900-99, 901-99, 902-99, 903-99 and 904-99, each passed on June 7, 1999, Various Purpose General Obligation Bonds, Series 1999, in the aggregate principal amount of \$26,330,000, dated as of August 15, 1999 (the "1999 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$15,335,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 900-99) ("Project 19"); (ii) \$840,000 principal amount for acquiring, rehabilitating, installing, enlarging, renovating, equipping, and otherwise improving fire-fighting apparatus and equipment, including fire trucks and aerial ladders, together with all appurtenances necessary and incidental thereto (Ordinance No. 901-99) ("Project 20"); (iii) \$4,590,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations,

fire stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and health facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 902-99) ("Project 21"); (iv) \$3,410,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 903-99) ("Project 22"); and (v) \$2,155,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 904-99) ("Project 23"); and

Whereas, pursuant to Ordinance Nos. 897-00, 898-00, 899-00 and 900-00, each passed on June 19, 2000, Various Purpose General Obligation Bonds, Series 2000, in the aggregate principal amount of \$26,795,000, dated as of September 15, 2000 (the "2000 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$9,260,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 897-00) ("Project 24"); (ii) \$5,190,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, golf

courses and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 898-00) ("Project 25"); (iii) \$10,200,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 899-00) ("Project 26"); and (iv) \$2,145,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 900-00) ("Project 27"); and

Whereas, pursuant to Ordinance Nos. 373-02, 374-02, 375-02 and 376-02, each passed on March 11, 2002, Various Purpose General Obligation Bonds, Series 2002, in the aggregate principal amount of \$43,600,000, dated as of November 1, 2002 (the "2002 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$5,880,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, correctional facilities, and health and

other facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 373-02) ("Project 28"); (ii) \$2,535,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary, and installing street lighting and signs, signals, markings and other devices for traffic control, together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 374-02) ("Project 29"); (iii) \$10,875,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 375-02) ("Project 30"); and (iv) \$24,310,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting, curbing and ramping, installing gutters, sidewalks and related pedestrian and site improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 376-02) ("Project 31"); and

Whereas, pursuant to Ordinance No. 377-02, passed on March 11, 2002, Final Judgment General Obligation Bonds, Series 2002, in the aggregate principal amount of \$6,375,000, dated as of November 1, 2002 (the "2002 Final Judgment Bonds"), were issued to pay final judgments, including settlements of claims approved by a court ("Project 32"); and

Whereas, pursuant to Ordinance Nos. 1205-03, 1206-03, passed on August 13, 2003, Ordinance No. 1708-03, passed on September 8, 2003 amending Ordinance No. 1203-03 passed on August 13, 2003 and Ordinance No. 1204-03 passed on September 8, 2003, Various Purpose General Obligation Bonds, Series 2003, in the aggregate principal amount of \$64,100,000, dated as of November 15, 2003 (the "2003 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$17,850,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 1203-03 as amended by Ordinance No. 1708-03) ("Project 33"); (ii) \$29,000,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways, as designated by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 1204-03) ("Project 34"); (iii) \$10,150,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, golf courses and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 1205-03) ("Project 35") and (iv) \$7,100,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, con-

structing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary, and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, acquiring real estate and interests in real estate, including easements necessary for such purpose, together with the payment of all associated preliminary costs and costs of site clearance (Ordinance No. 1206-03) ("Project 36"); and

Whereas, pursuant to Ordinance Nos. 1305-04 and 1307-04, passed on August 11, 2004, Various Purpose General Obligation Bonds, Series 2004, in the aggregate principal amount of \$16,760,000, dated November 10, 2004 (the "2004 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$13,735,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 1305-04) ("Project 37") and (ii) \$3,025,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities (Ordinance No. 1307-04) ("Project 38"); and

Whereas, this Council finds and determines that (i) it is necessary and in the best interest of the City to refund the 1996 Various Purpose Bonds that are stated to mature on September 1 in the years 2008 through 2011, inclusive, 2016 and

2020; the 1997 Various Purpose Bonds that are stated to mature on August 1 in the years 2006 and 2007, 2009 and 2018; the 1998 Various Purpose Bonds that are stated to mature on October 1 in the years 2013 through 2015, inclusive; the 1999 Various Purpose Bonds that are stated to mature on November 15 in the years 2011 through 2016, inclusive; the 2000 Various Purpose Bonds that are stated to mature on December 1 in the years 2012 through 2017, inclusive, and 2020; the 2002 Various Purpose Bonds that are stated to mature on December 1 in the years 2014 through 2019, inclusive; the 2002 Final Judgment Bonds that are stated to mature on December 1, in the years 2013 through 2017, inclusive; and the 2003 Various Purpose Bonds that are stated to mature on August 1 in the years 2016 and 2017 (those outstanding bonds, together with any other outstanding unvoted general obligation bonds of the City designated pursuant to Section 1 to be refunded in addition to, or in substitution for, those outstanding bonds, are collectively referred to as the "Refunded Bonds"), and (ii) to issue the Bonds described in Section 1 to provide funds for that purpose, including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of each of the Projects was, at the time the original indebtedness for each Project was incurred, at least five years, and that the maximum maturity of that portion of the Bonds to be allocated to each of the Projects is December 31 of the years set forth below for the respective Projects:

<u>Project No.</u>	<u>Year of Last Maturity</u>
1	2012
2	2018
3	2024
4	2018
5	2015
6	2016
7	2016
8	2016
9	2021
10	2014
11	2017
12	2017
13	2017
14	2018
15	2018
16	2018
17	2018
18	2015
19	2016
20	2009
21	2019
22	2019
23	2019
24	2020
25	2020
26	2017
27	2020
28	2022
29	2022
30	2022
31	2019
32	2027
33	2023
34	2020
35	2023
36	2023
37	2024
38	2024

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983 and Ordinance No. 944-96 passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of bonds to be contained in ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to refund the Refunded Bonds which will enable the City to obtain debt service savings and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Eighty-Five Million Dollars (\$85,000,000) for the purpose of refunding the Refunded Bonds which, collectively, were issued for the purposes of providing funds to pay costs of Projects 1 through 38 as described above, including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K).

The aggregate principal amount of Bonds to be issued shall not exceed \$85,000,000 and shall be in an amount determined by the Director of Finance to be the amount required to be issued, taking into account any original issue discount and/or premium on the sale of the Bonds in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Bonds. That amount shall be set forth in the certificate providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Director of Finance may determine in the Certificate of Award that additional maturities or different maturities of the series of unvoted general obligation bonds of the City identified in the preambles of this Ordinance and issued for the purpose of providing funds to pay costs of Projects 1 through 38 may be refunded and thereby constitute Refunded Bonds; provided that in adding or changing such maturities the Director of Finance determines, based on written advice from the City's Financial Advisor (defined in Section 13 below), that the aggregate present value debt service savings to the City resulting from the refunding of all the Refunded Bonds is not less than three per cent (3%).

Section 2. Authority and Terms. The Bonds shall be issued pursuant

to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2005". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of April 1, 2005 or such other date, but in no event later than December 31, 2005, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate, then such rate shall not exceed six percent (6%) per year, and if the Bonds bear interest at more than one rate, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on April 1 and October 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning October 1, 2005, or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature in the years and principal amounts as shall be determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Financial Advisor to be in the best interests of the City given market conditions at the time the Bonds are sold and the objectives of the plan of refunding to obtain aggregate present value savings of not less than three per cent (3%). Provided, further, that: (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than October 1, 2005 and no later than October 1, 2007, and (iii) the final maturity date of the Bonds shall be no later than the last maturity permitted by law for the Refunded Bonds.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Bonds that is allocable to each Project, and the principal amount of Bonds allocated to each Project that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Bonds

allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Bonds as certified by the Director of Finance.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then

current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than October 1, 2016 and the highest redemption price shall not be greater than 102% of the principal amount redeemed. Based on the written advice of a Financial Advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date, funds sufficient to redeem at the redemption price, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than

all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be

outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Registrar Agreement authorized in Section 3 (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Revised Code Section 133.27 and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a fac-

simile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Registrar Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 167-05-A. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar

shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository

or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to Morgan Stanley & Co. Incorporated, McDonald Investments Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of either Financial Advisor and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other

matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is further authorized and directed to sign and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, the Director of Finance in his official capacity is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of, that Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in his official capacity that Official Statement and any supplements approved by the Director of Finance. The Director of Finance is authorized to sign and deliver, on behalf of the City and in his official capacity such certificates in connection with the accuracy of the Official Statement and any supplements

as may, in his judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance and those

funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds; Notice of Redemption of Refunded Bonds. Pursuant to Revised Code Section 133.34, the General Bond Ordinance and this Ordinance, the proceeds of the Bonds to be applied to the refunding of the Refunded Bonds shall be deposited in a separate bank account within the Unvoted Bond and Note Redemption Account of the Sinking Fund held by The Huntington National Bank, Cleveland, Ohio, as Escrow Agent, in accordance with Section 179.08 of the Codified Ordinances of the City and the Escrow Agreement described below, and shall be applied to the payment of debt service charges on the Refunded Bonds from and after the date of issuance of the Bonds to and including their respective maturity or prior redemption dates. The amount to be deposited in the Escrow Fund shall be determined by the Director of Finance in the Certificate of Award and shall be the amount necessary, together with money in the Unvoted Tax Supported Obligations Account of the Sinking Fund available for the purpose, to provide for the refunding of the Refunded Bonds. Any transfer to the Escrow Fund of any money currently on deposit in the Unvoted Tax-Supported Obligations Account and determined by the Director of Finance to be available for payment of the Refunded Bonds, is authorized by this Ordinance.

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of the principal of, any redemption premium and interest on, the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

Pursuant to Revised Code Chapter 133 and this Ordinance, and notwith-

standing Chapter 179 of the Codified Ordinances, any accrued interest received from the sale of the Bonds and any original issue premium in excess of the amount deposited with the Escrow Agent under the Escrow Agreement to accomplish the refunding of the Refunded Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of interest on the Bonds. The proceeds of the Bonds to be applied to pay costs of any credit enhancement facilities shall be paid to the provider or providers of those credit enhancement facilities. The proceeds of the Bonds to be used to pay costs of issuing the Bonds and refunding the Refunded Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs.

The Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of the Refunded Bonds and any early redemption of Refunded Bonds shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunding Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance shall obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. As appropriate under the Charter, the Mayor and Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market

purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest,

without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 10. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 11. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Inter-

nal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to

give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 12. Bond Insurance and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a Financial Advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 13. Financial Advisor. The services of Government Capital Management, LLC and Columbia Equity Financial Corporation (each a "Financial Adviser"), are retained to advise the City with respect to the issuance and sale of the Bonds and the refunding of the Refunded Bonds.

Section 14. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 15. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the

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

Section 16. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 17. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 18. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 19. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the refunding of the Refunded Bonds which will enable the City to obtain debt service savings and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed February 28, 2005.
Effective March 1, 2005.

Ord. No. 169-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Agreement No. 59769 with City Architecture for the League Park 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 Parks, Recreation and Properties is authorized to enter into an amendment to Agreement No. 59769 with City Architecture to change the scope of services for the League Park project at no additional cost to the City.

Section 2. This amendment will be prepared by the Director of Law.

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 February 28, 2005.
Effective March 2, 2005.

Ord. No. 225-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties for a period of one year.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more temporary employment agency or agencies 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 supply temporary and seasonal personnel for a period of one year, and cancelable on thirty days written notice by the Director, for the Department of Parks, Recreation and Properties from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The

contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 2. That the costs for the services contemplated shall be paid from Fund Nos. 10 SF 054, 13 SF 729, 62 SF 001, 63 SF 001, 01-701207-638000, 01-701217-638000, and from the fund or funds appropriated for this purpose in budget year 2005, Request No. 135781.

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

Passed February 28, 2005.
Effective March 2, 2005.

Ord. No. 303-05.

By Council Member Rybka.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Slavic Village Development Corporation for the Fleet Retail District Parking Project through the use of either Ward 12 Neighborhood Equity Funds or Urban Development Action Grant Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the Slavic Village Development Corporation for the Fleet Retail District Parking Project located at 6305 Fleet Avenue, Cleveland, Ohio for the public purpose of retaining jobs for existing businesses and promoting economic vitality for the City of Cleveland through the use of either Ward 12 Neighborhood Equity Funds or Urban Development Action Grant Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$105,000 and shall be paid from either Fund No. 10 SF 10-166 or Fund No. 17 SF 17652.

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 February 28, 2005.
Effective March 2, 2005.

Ord. No. 304-05.

By Council Members Polensek, O'Malley, Westbrook, Brady and Dolan.

An emergency ordinance amending Section 2 of Ordinance No. 12-05, passed January 10, 2005 as it pertains to the Heritage Home Preservation Program through the use of Ward 11, 16, 18, 19, 21 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 12-05, passed January 10, 2005 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$65,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 12-05, passed January 10, 2005 is hereby repealed.

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

Passed February 28, 2005.
Effective March 2, 2005.

Ord. No. 308-05.

By Council Member Britt.

An emergency ordinance consenting and approving the issuance of a permit for the Juno Jog 5K Run/Walk, on July 9, 2005, scheduled by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Juno Jog 5K Run/Walk scheduled by the Hermes Sports & Events, on July 9, 2005, with the Run/Walk beginning at East 89th & Euclid, East 89th to Chester, Chester to East 90th East 90th to Euclid, Euclid to East 101st East 101st to Ansel, Ansel to MLK, MLK to Mt. Sinai Drive, Mt. Sinai Drive to East 101st, East 101st to Euclid, Euclid to East 89th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent

and in form satisfactory to the Director of Law.

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

Passed February 28, 2005.
Effective March 2, 2005.

Ord. No. 309-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 25th Annual St. Malachi Run, on March 12, 2005, sponsored by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 25th Annual St. Malachi Run sponsored by the Hermes Sports & Events, on March 12, 2005, with the Run beginning at St. Malachi, Main Street north to Center, Center west to River Road, River Road north to Elm, Elm east to Old River Road/River Bend, River Bend to Canal, Canal east to West 3rd, West 3rd east to Commercial, Commercial north to West Eagle, West Eagle east to Canal, Canal west to Center, Center to Winslow, Winslow to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 28, 2005.
Effective March 2, 2005.

Ord. No. 310-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Lady Footlocker Women's Expo 5K Run & Walk, on March 13, 2005, sponsored by Lady Footlocker.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Lady Footlocker Women's Expo 5K Run & Walk sponsored by Lady Footlocker, on March 13, 2005, with the Run/Walk beginning at the Convention Center, Lakeside to West 3rd, West 3rd to Lerner Way, around stadium, to Erieside, Erieside to East 9th, turn around, return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 28, 2005.
Effective March 2, 2005.

COUNCIL COMMITTEE MEETINGS

**Monday, March 7, 2005
9:30 a.m.**

Health and Human Services Committee: Present: Britt, Chair; Zone, Vice Chair; Conwell, Polensek. *Authorized Absence:* Gordon, Cintron, Pierce Scott. *Pro-tem:* Lewis.

11:00 a.m.

Employment, Affirmative Action and Training Committee: Present: Lewis, Chair; Conwell, Vice Chair; Coats, Reed, Polensek. *Authorized Absence:* Cintron, Johnson.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Coats, O'Malley, Reed, Pierce Scott, Westbrook, White, Gordon. *Authorized Absence:* Britt. *Pro-tem:* Lewis, Zone.

**Tuesday, March 8, 2005
9:30 a.m.**

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

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

Aging Department

Building Success for Cleveland’s Kinship Care Families Program — grant — Cuyahoga
County Department of Employment and Family Services (O 174-05)..... 314

Agreements

League Park project — amendment to Agreement No. 59769 — City Architecture
(O 169-05) **353**
Neighborhood Leadership Institute — educational, recreational and cultural program —
various school buildings (O 367-05)..... 297

Annual Reports

Finance Department — annual report — licenses and permits issued — fiscal year of 2004
(F 391-05) 289
Utilities Department — Annual reports 2004 & 2005 — customer public information
— promotional materials — professional consultants — various divisions
(O 354-05) 290

Appropriations

Track and football-field complex — construction — 1050 E. 152nd St. — intention
to appropriate property (R 228-05) 315

Board of Control — Architecture Division

Rockefeller Park Park Maintenance Facility engineering services — contract per Ord.
2042-03 to Ralph Tyler Companies — Dept. of Public Service (BOC Res. 101-05) 331

Board of Control — Cleveland Hopkins International Airport Division

Long Term Parking Garage structural rebuild — contract per Ord. 2375-02 to The Apostolos
Group, Inc., d.b.a., Thomarios — Dept. of Port Control (BOC Res. 100-05)..... 331

Board of Control — Community Development Department

East 89th Street (Ward 4) — PPN 126-22-038 — to James Henry (BOC Res. 99-05)..... 331
Pearl Road (Ward 15) — PPN 009-06-002 — to Rockport Lands, Ltd. per Ord.
1183-04 (BOC Res. 97-05) 330
Valley View Hope VI Revitalization Plan — various parcels (Ward 13) to Cleveland Housing
Network per Ord. 13-05 (BOC Res. 98-05) 330

Board of Control — Land Reutilization Program

East 89th Street (Ward 4) — PPN 126-22-038 — to James Henry (BOC Res. 99-05)..... 331
Pearl Road (Ward 15) — PPN 009-06-002 — to Rockport Lands, Ltd. per Ord.
1183-04 (BOC Res. 97-05) 330
Valley View Hope VI Revitalization Plan — various parcels (Ward 13) to Cleveland Housing
Network per Ord. 13-05 (BOC Res. 98-05) 330

Board of Control — Land Reutilization Program (Ward 4)

East 89th Street (Ward 4) — PPN 126-22-038 — to James Henry (BOC Res. 99-05)..... 331

Board of Control — Land Reutilization Program (Ward 13)

Valley View Hope VI Revitalization Plan — various parcels (Ward 13) to Cleveland Housing
Network per Ord. 13-05 (BOC Res. 98-05) 330

Board of Control — Land Reutilization Program (Ward 15)

Pearl Road (Ward 15) — PPN 009-06-002 — to Rockport Lands, Ltd. per Ord.
1183-04 (BOC Res. 97-05) 330

Board of Control — Nottingham Water Works Plant

Flocculation/Sedimentation Residual Project — amend BOC Res. 322-04 — Division of Water, Dept. of Public Utilities (BOC Res. 95-05)	330
--	-----

Board of Control — Police Division

Photo lab supplies — per Ord. 783-04 — all bids rejected — Dept. of Public Safety (BOC Res. 96-05)	330
---	-----

Board of Control — Port Control Department

Long Term Parking Garage structural rebuild — contract per Ord. 2375-02 to The Apostolos Group, Inc., d.b.a., Thomarios — Division of Cleveland Hopkins International Airport (BOC Res. 100-05)	331
---	-----

Board of Control — Professional Service Contracts

Rockefeller Park Park Maintenance Facility engineering services — contract per Ord. 2042-03 to Ralph Tyler Companies — Division of Architecture, Dept. of Public Service (BOC Res. 101-05)	331
--	-----

Board of Control — Public Improvement Contracts

Long Term Parking Garage structural rebuild — contract per Ord. 2375-02 to The Apostolos Group, Inc., d.b.a., Thomarios — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 100-05)	331
Nottingham Water Works Flocculation/Sedimentation Residual Project — amend BOC Res. 322-04 — Division of Water, Dept. of Public Utilities (BOC Res. 95-05)	330

Board of Control — Public Safety Department

Photo lab supplies — per Ord. 783-04 — all bids rejected — Division of Police (BOC Res. 96-05)	330
---	-----

Board of Control — Public Service Department

Rockefeller Park Park Maintenance Facility engineering services — contract per Ord. 2042-03 to Ralph Tyler Companies — Division of Architecture (BOC Res. 101-05)	331
---	-----

Board of Control — Public Utilities Department

Nottingham Water Works Flocculation/Sedimentation Residual Project — amend BOC Res. 322-04 — Division of Water (BOC Res. 95-05)	330
--	-----

Board of Control — Rockefeller Park

Park Maintenance Facility engineering services — contract per Ord. 2042-03 to Ralph Tyler Companies — Division of Architecture, Dept. of Public Service (BOC Res. 101-05)	331
---	-----

Board of Control — Water Division

Nottingham Water Works Flocculation/Sedimentation Residual Project — amend BOC Res. 322-04 — Dept. of Public Utilities (BOC Res. 95-05)	330
--	-----

Board of Zoning Appeals — Report

Clark Avenue, 1621, (Ward 14) — Marie and Edward Lipinski, owners — appeal granted and adopted on 3/7/05 (Cal. 05-24)	332
Cornell Road, 2175, (Ward 6) — Peter Smakula, owner — appeal postponed to 3/28/05 on 3/7/05 (Cal. 05-26)	332
East 147th Street, 3891, (Ward 3) — Gary L. Jackson, owner — appeal withdrawn on 3/5/05 (Cal. 05-12)	332
East 156th Street, 269-271, (Ward 11) — Doreen Mitchell, owner — appeal postponed to 4/25/05 on 3/5/05 (Cal. 05-13)	332
East 185th Street, 870, (Ward 11) — Charles F. Hart and Charles Hart Communications, Inc. — appeal heard on 3/7/05 (Cal. 05-18)	332
East 93rd Street, 4090, (Ward 2) — Cleveland Municipal School District c/o Jason Downey and Cleveland Educational Design Alliance, agent — appeal postponed to 4/11/05 on 3/7/05 (Cal. 05-28)	332

Euclid Avenue, 7500, (Ward 5) — Aldi, Inc. c/o Mike Jones, agent — appeal postponed to 3/28/05 on 3/7/05 (Cal. 05-27) 332

Independence Road, 3185, (Ward 13) — Wheeling & Lake Erie Rail Road c/o Clarence Jaeger, owner and Clear Channel Outdoor, lessee — appeal granted and adopted on 3/7/05 (Cal. 04-334)..... 332

Leuer Avenue, 10733, (Ward 8) — Liberty Self-Storage c/o Rebecca Doty, owner and Clear Channel Outdoor, lessee — appeal granted and adopted on 3/7/05 (Cal. 04-331)..... 332

Puritas Avenue, 13448, (Ward 20) — Cuyahoga Metropolitan Housing Authority c/o Mike Hobbs — appeal heard on 3/7/05 (Cal. 05-29)..... 332

St. Clair Avenue, 11415-39, (Ward 9) — City of Cleveland Land Bank, owner, and Dave Ali, prospective purchaser — appeal granted and adopted on 3/7/05 (Cal. 04-322)..... 332

West 33rd Street, 3200, (Ward 14) — Mercedarian Plaza LP, c/o Catholic Charities Housing Corporation, owner — appeal granted and adopted on 3/7/05 (Cal. 05-22) 332

West 3rd Street, 2019, (Ward 13) — United Garage and Service Corporation, c/o Terry Gump, owner and Clear Channel Outdoor, lessee — appeal granted and adopted on 3/7/05 (Cal. 04-333)..... 332

West 55th Street, 2120, (Ward 17) — Valley Associates c/o Ted Soberay, owner and Clear Channel Outdoor, lessee — appeal granted and adopted on 3/7/05 (Cal. 04-332) 332

Board of Zoning Appeals — Schedule

Baxter Avenue, 6550, (Ward 12) — Cleveland Catholic Diocese, owner c/o John Reali and Thomas Tomsik, agent — appeal to be heard on 3/21/05 (Cal. 05-36) 332

Carl Avenue, 6412, (Ward 13) — Ismael Malave, owner — appeal to be heard on 3/21/05 (Cal. 05-37)..... 332

Fidelity Avenue, 11124, (Ward 19) — Cleveland Christian Home, owner c/o Beatrix Gasslein — appeal to be heard on 3/21/05 (Cal. 05-40) 332

West 150th Street, 4081, (Ward 20) — 3D Real Estate Management Ltd., owner c/o Norman Slemenda and Aero Instruments, c/o John Creech — appeal to be heard on 3/21/05 (Cal. 05-38)..... 332

Bonds

Bonds — issuance and sale — \$85,000,000 — refund certain outstanding general obligation bonds (O 167-05) **343**

Budget

Budget reduction & reconciliation process — fiscal year 2006 — urging U.S. Congress to reject (R 306-05) **338**

Expenses — fiscal year ending December 31, 2005 (O 125-05)..... 306-315

Building and Housing Department

Demolition and Broad-up Programs — supplement Ord. No. 703-04 (O 373-05).....298

Case Western Reserve University

Hudson Relays 2005 — permit (O 388-05) 303

City of Cleveland Bids

Automatic doors maintenance and repair — Department of Port Control — per Ord. 2237-04 — bid due March 30, 2005 (advertised 3/9/2005 and 3/16/2005) 333

Baldwin Rapid Mix / Flocculation / Sedimentation Project — Department of Public Utilities — Division of Water — per Ord. 2294-04 — bid due April 20, 2005 (advertised 3/9/2005 and 3/16/2005)..... 333

Cab / chassis with air / light unit body — Department of Public Safety — Division of Fire — per Ord. 1086-04 — bid due March 23, 2005 (advertised 3/9/2005 and 3/16/2005)..... 333

Fence installation and repair — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 785-04 — bid due April 7, 2005 (advertised 3/9/2005 and 3/16/2005)..... 333

Fitness equipment — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 184-05 — bid due March 23, 2005 (advertised 3/9/2005 and 3/16/2005)..... 333

Gasoline — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 764-04 — bid due April 1, 2005 (advertised 3/9/2005 and 3/16/2005)..... 333

Parking meters, electronic with 24-hour clock — Department of Parks, Recreation and Properties — Division of Parking Facilities — per Ord. 2308-04 — bid due March 18, 2005 (advertised 3/2/2005 and 3/9/2005) 333

Test equipment, repair and training — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 247-04 — bid due March 30, 2005 (advertised 3/2/2005 and 3/9/2005) 333

Water main repair, 2005-6 — Area East — Department of Public Utilities — Division of Water — per Ord. 2292-04 — bid due March 31, 2005 (advertised 3/9/2005 and 3/16/2005)..... 333

City Planning Commission

John Marshall High School — Cleveland Landmark (O 377-05)..... 301

Cleveland Clinic Foundation

Notice of Operations for calendar year 2004 (F 394-05) 289

Cleveland Hopkins International Airport

Terminal building — improvements and renovations (O 359-05) 291

Cleveland Housing Network

Eddy Rd. & Arlington & Edmonton Aves. — Land Reutilization Program (O 291-05) 315

Housing tax credits — Council's support — Cleveland Housing Network Limited Partnership

XXII SC — Ohio Housing Finance Agency (R 296-05)..... 335

Housing tax credits — Council's support — Cleveland Housing Network Limited Partnership

XXII — Ohio Housing Finance Agency (R 295-05) 335

Land Reutilization Program — Cleveland Housing Network, LPXXII — scattered sites (Wards

2, 3, 5, 14, 19) (O 177-05) 314

Stockyard Redevelopment Organization & Cleveland Housing Network — Council's support —

Stockyard Homes LP-1 — Ohio Housing Finance Agency (R 301-05) 337

Cleveland Municipal Court

Local rules designed to govern receiverships (new) — Housing Division

(F 396-05) 289

Cleveland Public Power

Paper products for billing (O 358-05) 291

Tree trimming — around electrical wires and streetlights (O 357-05)..... 291

Codified Ordinances

Fees for publications and services — amend Sec. 113.12 (O 353-05)..... 302

Communications

Cleveland Clinic Foundation — Notice of Operations for calendar year 2004 (F 394-05)..... 289

Cleveland Municipal Court, Housing Division — new local rules designed to govern

receiverships (F 396-05) 289

Cleveland Public Library — Director's Report, February 17, 2005 & Organization Chart for

Branches and Outreach Services (F 398-05) 289

Finance Department — annual report — licenses and permits issued — fiscal year of 2004

(F 391-05) 289

Greater Cleveland Sports Commission — Chronicles book — International Children's Games

in Cleveland (F 392-05)..... 289

Kucinich, Congressman Dennis J. — NASA summit second meeting (F 395-05)..... 289

Northern Trust Bank — Lee Friedman Hill, Vice President (F 399-05) 289

Res. No. 1689-04 — receipt letter from Ruben Barrales, Deputy Assistant to the President

of the United States (F 397-05) 289

University Circle Inc. — 2005 University Circle Visitor's Guide (F 393-05) 289

Community Development

Cedar Ave. & E. 37th and 39th Sts. — Land Reutilization Program — Burten, Bell, Carr

Development, Inc. (O 179-05)..... 314

Clark Ave. — Land Reutilization Program — Stockyard Development Organization

(O 182-05) 314

Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards

2, 3, 5, 14, 19) (O 177-05) 314

Demolition and Broad-up Programs — supplement Ord. No. 703-04 (O 373-05)..... 298

E. 68th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc.

(O 178-05) 314

Eddy Rd. & Arlington & Edmonton Aves. — Land Reutilization Program — Cleveland Housing

Network, Inc. (O 291-05)..... 315

Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19, 21 NEF

(O 304-05) 354

Housing Advocates, Inc. — Contract No. 63190 — amendment — additional assistance to

City residents (O 372-05) 298

Kinsman Rd. & E. 132nd St. — Land Reutilization Program — Mt. Pleasant Now Development Corp. (O 376-05)..... 301

Kinsman Rd., 13917 — Land Reutilization Program — Mt. Pleasant Now Development Corp. (O 375-05) 300

Mueller Electric Condominium — 1583 E. 31st St. — acquisition and development — Mueller Electric Condominiums, LLC (O 371-05)..... 298

Prospect Place Apartments — 1104 Prospect Ave. — rehabilitation — 1104 Prospect Avenue Park And Lock, LLC (O 370-05)..... 297

St. Clair Ave. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 181-05) 314

Stockyard Redevelopment Organization — Land Reutilization Program — scattered sites (Ward 14 & 17) (O 374-05)..... 299

Condolences

Butts, Robert (R 405-05) 290

Flannery, James J. (R 404-05)..... 290

Kuri, Dr. Alif A. (R 402-05)..... 290

McLeod, Mary Angeline (R 403-05) 290

Congratulations

Lockwood, Jr., Robert (R 406-05)..... 290

Miklich, Deanna Marie (R 407-05) 290

Consumer Affairs Department

Housing Advocates, Inc. — Contract No. 63190 — amendment — additional assistance to City residents (O 372-05) 298

Contracts

City Year — community service work (O 366-05)..... 297

Cleveland Municipal Football Association — city-wide football program (O 368-05) 297

Housing Advocates, Inc. — Contract No. 63190 — amendment — additional assistance to City residents (O 372-05) 298

Mueller Electric Condominium — 1583 E. 31st St. — acquisition and development — Mueller Electric Condominiums, LLC (O 371-05)..... 298

Prospect Place Apartments — 1104 Prospect Ave. — rehabilitation — 1104 Prospect Avenue Park And Lock, LLC (O 370-05)..... 297

Salvation Army — contract — recreational services — Ward 11 — Division of Recreation (O 369-05) 297

Cuyahoga County

Fairfax Renaissance Development Corporation — Brownfield Redevelopment Fund Community Assessment Initiative grant application (R 378-05)..... 304

Getting the Lead Out Program — grant — Cuyahoga County Office of Procurement and Diversity (O 229-05) 314

Detroit Shoreway Community Development Organization

Housing Tax credits — Cogswell Hall, Inc., Detroit Shoreway Community Development Organization & Lutheran Housing Corporation — Council's support — Ohio House Finance Agency (R 380-05) 305

Economic Development Department

Fleet Retail District Parking Project — Slavic Village Development Corporation — Ward 12 NEF — Urban Development Action Grant Funds (O 303-05)..... **353**

Famicos Foundation

Housing tax credits — Council's support — affordable housing using (R 288-05) **334**

Historic Newton Avenue apartments — Council's support — Ohio Housing Finance Agency (R 289-05) **334**

Fees

Fees for publications and services — amend Sec. 113.12 (O 353-05)..... 302

Finance Department

Bonds — issuance and sale — \$85,000,000 — refund certain outstanding general obligation bonds (O 167-05)	343
Commercial gases — purchase — various divisions (O 221-05)	314
Computer hardware and software — purchase — various divisions (O 126-05)	342
Expenses — fiscal year ending December 31, 2005 (O 125-05).....	306-315
Finance Department — annual report — licenses and permits issued — fiscal year of 2004 (F 391-05)	289
Janitorial supplies — purchase — various divisions (O 222-05).....	314
Window washing — purchase — various divisions (O 223-05).....	314

Grants

Building Success for Cleveland's Kinship Care Families Program — Cuyahoga County Department of Employment and Family Services (O 174-05)	314
Getting the Lead Out Program — Cuyahoga County Office of Procurement and Diversity (O 229-05)	314
Worksite Wellness Expansion Program — Kaiser Permanente of Ohio (O 230-05).....	315

Health Department

Getting the Lead Out Program — grant — Cuyahoga County Office of Procurement and Diversity (O 229-05)	314
Mercantile Rd., 23600, Unit J — lease property — store goods — House of Corrections (O 231-05)	315
Worksite Wellness Expansion Program — grant — Kaiser Permanente of Ohio (O 230-05)	315

House of Corrections

Mercantile Rd., 23600, Unit J — lease property — store goods (O 231-05).....	315
--	-----

Land Reutilization Program

Cedar Ave. & E. 37th and 39th Sts. — Burten, Bell, Carr Development, Inc. (O 179-05)	314
Clark Ave. — Stockyard Development Organization (O 182-05)	314
Cleveland Housing Network, LPXXII — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	314
E. 68th St. — Burten, Bell, Carr Development, Inc. (O 178-05).....	314
Eddy Rd. & Arlington & Edmonton Aves. — Cleveland Housing Network, Inc. (O 291-05)	315
Kinsman Rd. & E. 132nd St. — Mt. Pleasant Now Development Corp. (O 376-05)	301
Kinsman Rd., 13917 — Mt. Pleasant Now Development Corp. (O 375-05)	300
St. Clair Ave. — Cleveland Housing Network, Inc. (O 181-05)	314
Stockyard Redevelopment Organization — scattered sites (Ward 14 & 17) (O 374-05).....	299

Landmark Commission

John Marshall High School — Cleveland Landmark (O 377-05).....	301
--	-----

Lead Paint

Getting the Lead Out Program — grant — Cuyahoga County Office of Procurement and Diversity (O 229-05)	314
---	-----

League Park Center

League Park project — amendment to Agreement No. 59769 — City Architecture (O 169-05)	353
---	-----

Leases

Mercantile Rd., 23600, Unit J — lease property — store goods — House of Corrections (O 231-05)	315
--	-----

Libraries

Cleveland Public Library — Director's Report, February 17, 2005 & Organization Chart for Branches and Outreach Services (F 398-05)	289
--	-----

Liquor Permits

Brookpark Rd., 2168 — transfer (Ward 16) (F 401-05)..... 289
 Community College Ave., 3609 — objection — withdraw (Ward 5) (R 314-05)..... 339
 Detroit Ave., 8002 — objection — withdraw (Ward 17) (R 325-05)..... 342
 E. 116th St., 3019 — objection — withdraw (Ward 4) (R 382-05)..... 305
 E. 143rd St., 3249 — new (Ward 4) (F 400-05) 289
 Independence Rd., 3628 — objection (Ward 12) (R 321-05)..... 341
 Lakeshore Blvd., 14002 — objection — withdraw (Ward 10) (R 381-05)..... 305
 Lee Rd., 4360 — objection — withdraw (Ward 1) (R 316-05)..... 340
 Lorain Ave., 13999 — objection (Ward 20) (R 323-05)..... 341
 Madison Ave., 8309 — objection — withdraw (Ward 17) (R 324-05) 342
 Miles Ave., 14201 — objection (Ward 1) (R 317-05)..... 340
 Puritas Ave., 15649 — objection (Ward 20) (R 322-05)..... 341
 St. Clair Ave., 14045 — objection — withdraw (Ward 10) (R 313-05) 339
 St. Clair Ave., 7516 — objection (Ward 8) (R 318-05)..... 340
 Superior Ave., 4829 — objection — withdraw (Ward 13) (R 312-05) 339
 Turney Rd., 4591 — objection — withdraw (Ward 2) (R 383-05) 305
 W. Sixth St., 1266 — objection (Ward 13) (R 311-05) 339
 Woodhill Rd., 2886 — objection — withdraw (Ward 4) (R 315-05)..... 340

Lutheran Housing Corporation

Housing tax credits — Cogswell Hall, Inc., Detroit Shoreway Community Development
 Organization & Lutheran Housing Corporation — Council's support — Ohio House
 Finance Agency (R 380-05) 305

NASA

Kucinich, Congressman Dennis J. — NASA summit second meeting (F 395-05)..... 289
 NASA Glen Research Center — urging U.S. Congress — support — additional funding
 & adequate budget (R 305-05) 337

Neighborhood Equity Funds

Fleet Retail District Parking Project — Slavic Village Development Corporation — Ward
 12 — Urban Development Action Grant Funds (O 303-05)..... 353
 Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19,
 21 (O 304-05)..... 354

Ohio General Assembly

Sex offenders residence — distance from schools — encourage Ohio General Assembly —
 legislation to increase distance (R 384-05)..... 305

Ohio Housing Finance Agency

Cleveland Housing Network Limited Partnership XXII — Council's support — housing tax
 credits (R 295-05) 335
 Cleveland Housing Network Limited Partnership XXII SC — Council's support — housing tax
 credit (R 296-05) 335
 Cleveland West Homes LP — Council's support — housing tax credits (R 297-05) 335
 Cogswell Hall, Inc., Detroit Shoreway Community Development Organization & Lutheran
 Housing Corporation — Council's support — housing tax credits (R 380-05)..... 305
 Emerald Alliance, L.P. II — Council's support — housing tax credits (R 300-05)..... 336
 Emerald Alliance, L.P. II — Council's support — housing tax credits (R 302-05)..... 337
 Erie Square Apartments, L.P. — Council's support — housing tax credits (R 299-05)..... 336
 Famicos Foundation — Council's support — affordable housing using housing tax credits
 (R 288-05) 334
 Famicos Foundation — Council's support — Historic Newton Avenue Apartments
 (R 289-05) 334
 Phyllis Wheatley Association — Emeritus House — Low Income Housing Tax Credit Program
 — Council's support (R 379-05) 304
 Stockyard Redevelopment Organization & Cleveland Housing Network — Council's support —
 Stockyard Homes LP-1 (R 301-05) 337

Parks, Recreation and Properties Department

City Year — contracts — community service work (O 366-05)..... 297
 Cleveland Municipal Football Association — contract — city-wide football program
 (O 368-05) 297
 League Park project — amendment to Agreement No. 59769 — City Architecture
 (O 169-05) 353
 Miles Rd., 11300 — recreation center — Earle B. Turner Community Center
 (O 128-05) 343

Neighborhood Leadership Institute — agreement — educational, recreational and cultural program — various school buildings (O 367-05)	297
Salvation Army — contract — recreational services — Ward 11 — Division of Recreation (O 369-05)	297
Temporary and seasonal personnel — temporary employment agencies (O 225-05)	353
Track and football-field complex — construction — 1050 E. 152nd St. — intention to appropriate property (R 228-05)	315

Permits

Annual Turkey Trot, 24th — Hermes Sports & Events (O 387-05)	303
Cats in the Flats 10K & 5K Run and 2-Mile Walk — Hermes Sports & Events (O 385-05)	303
Cleveland Bench Bar Halloween Run — Hermes Sports & Events (O 390-05)	304
Cruise for the Critters race — Hermes Sports & Events (O 386-05).....	303
Hudson Relays 2005 — Case Western Reserve University (O 388-05)	303
Juno Jog 5K Run/Walk — Hermes Sports & Events (O 308-05).....	354
Lady Footlocker Women's Expo 5K Run & Walk — Lady Footlocker (O 310-05)	354
Sidewalk vaults — reconstruct or abandon — revoke encroachment — Euclid Ave. between Public Square & E. 70th St. (R 2372-04)	334
St. Malachi Run, 25th Annual — Hermes Sports & Events (O 309-05).....	354
Winking Lizard 4 Mile Run & 2 Mile Walk — Hermes Sports & Events (O 389-05)	304

Plats

Ashbury Towers Phase One, Resubdivision of — Planned Unit Development (Ward 17) (F 340-05)	289
Cloisters-Slavic Village, The — Subdivision Plat (Ward 12) (F 342-05)	290
Courtland Court Townhouses — Subdivision Plat (Ward 17) (F 341-05).....	290
Pembrook Homes Subdivision II — Lot Consolidation, Lot Split & Dedication Plat (Ward 11) (F 343-05)	290

Port Control Department

Terminal building — improvements and renovations — Cleveland Hopkins International Airport (O 359-05).....	291
--	-----

Recognition

Jacob, Pastor Andre (R 409-05)	290
Whitley, Kim E. (R 408-05)	290

Recreation Centers

Miles Rd., 11300 — recreation center — Earle B. Turner Community Center (O 128-05)	343
--	------------

Resolutions — Miscellaneous

Budget reduction & reconciliation process — fiscal year 2006 — urging U.S. Congress to reject (R 306-05)	338
Clear Skies Act of 2005 — oppose (R 307-05)	338
Cleveland Housing Network Limited Partnership XXII — Council's support — housing tax credits — Ohio Housing Finance Agency (R 295-05)	335
Cleveland Housing Network Limited Partnership XXII SC — Council's support — housing tax credit — Ohio Housing Finance Agency (R 296-05)	335
Cleveland West Homes LP — Council's support — housing tax credits — Ohio Housing Finance Agency (R 297-05)	335
Cogswell Hall, Inc., Detroit Shoreway Community Development Organization & Lutheran Housing Corporation — Council's support — housing tax credits — Ohio House Finance Agency (R 380-05)	305
Emerald Alliance, L.P. II — Council's support — housing tax credits — Ohio Housing Finance Agency (R 300-05)	336
Emerald Alliance, L.P. II — Council's support — housing tax credits — Ohio Housing Finance Agency (R 302-05)	337
Erie Square Apartments, L.P. — Council's support — housing tax credits — Ohio Housing Finance Agency (R 299-05)	336

Fairfax Renaissance Development Corporation — Brownfield Redevelopment Fund Community
 Assessment Initiative grant application (R 378-05)..... 304

Famicos Foundation — Council's support — affordable housing using housing tax credits
 (R 288-05) 334

Famicos Foundation — Council's support — Historic Newton Avenue Apartments — Ohio
 Housing Finance Agency (R 289-05) 334

NASA Glen Research Center — urging U.S. Congress — support — additional funding
 & adequate budget (R 305-05) 337

Phyllis Wheatley Association — Emeritus House — Low Income Housing Tax Credit Program
 — Council's support (R 379-05) 304

Sex offenders residence — distance from schools — encourage Ohio General Assembly —
 legislation to increase distance (R 384-05)..... 305

Social Security system — study potential changes — encourage U.S. Congress
 (R 298-05) 335

Salvation Army

Recreational services — Ward 11 — contract — Division of Recreation
 (O 369-05) 297

Service Department

Annual Turkey Trot, 24th — permit — Hermes Sports & Events (O 387-05) 303

Bading Ave. S.E. — intention to vacate (R 365-05)..... 302

Bulk waste disposal services — Division of Waste Collection and Disposal
 (O 360-05) 292

Cats in the Flats 10K & 5K Run and 2-Mile Walk — permit — Hermes Sports & Events
 (O 385-05) 303

Cleveland Bench Bar Halloween Run — permit — Hermes Sports & Events
 (O 390-05) 304

Cruise for the Critters race — permit — Hermes Sports & Events (O 386-05)..... 303

Debris disposal services — construction and demolition — Division of Waste Collection
 and Disposal (O 363-05) 295

Hudson Relays 2005 — permit — Case Western Reserve University (O 388-05)..... 303

Juno Jog 5K Run/Walk — permit — Hermes Sports & Events (O 308-05)..... 354

Lady Footlocker Women's Expo 5K Run & Walk — permit — Lady Footlocker
 (O 310-05) 354

Municipal solid waste — contingency services — Division of Waste Collection and
 Disposal (O 362-05)..... 294

Road and bridge improvements — apply for state funding — District Ohio Public Works
 Integrating Committee (O 1665-04) 342

Sidewalk vaults — reconstruct or abandon — revoke encroachment permits — Euclid Ave.
 between Public Square & E. 70th St. (R 2372-04)..... 334

Solid waste — transfer — Division of Waste Collection and Disposal (O 361-05)..... 293

St. Malachi Run, 25th Annual — permit — Hermes Sports & Events (O 309-05)..... 354

Tires — transfer and disposal — Division of Waste Collection and Disposal (O 364-05) 296

Winking Lizard 4 Mile Run & 2 Mile Walk — permit — Hermes Sports & Events (O 389-05) 304

Sidewalks

Sidewalk vaults — reconstruct or abandon — revoke encroachment permits — Euclid Ave.
 between Public Square & E. 70th St. (R 2372-04)..... 334

Slavic Village Development Corporation

Fleet Retail District Parking Project — Ward 12 NEF — Urban Development Action Grant
 Funds (O 303-05)..... 353

Social Security

Study potential changes — Social Security System — encourage U.S. Congress (R 298-05)..... 335

State Funds

Road and bridge improvements — apply for state funding — District Ohio Public Works
 Integrating Committee (O 1665-04) 342

Street Vacation

Bading Ave. S.E. — intention to vacate (R 365-05)..... 302

Tree Trimming

Cleveland Public Power — Tree trimming — around electrical wires and streetlights (O 357-05)	291
---	-----

University Circle

University Circle Visitor's Guide 2005 (F 393-05)	289
---	-----

Utilities Department

Annual reports 2004 & 2005 — customer public information — promotional materials — professional consultants — various divisions (O 354-05)	290
Building maintenance services — various divisions (O 356-05)	290
Consumer confidence reports 2004 — 2005 — professional consultants — Division of Water (O 355-05)	290
Paper products for billing — Division of Cleveland Public Power (O 358-05)	291
Tree trimming — around electrical wires and streetlights — Division of Cleveland Public Power (O 357-05).....	291

Ward 01

Lee Rd., 4360 — objection — withdraw — liquor permit (R 316-05)	340
Miles Ave., 14201 — objection — liquor permit (R 317-05)	340

Ward 02

Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	314
Miles Rd., 11300 — recreation center — Earle B. Turner Community Center (O 128-05).....	343
Turney Rd., 4591 — objection — withdraw — liquor permit (R 383-05).....	305

Ward 03

Butts, Robert — condolence (R 405-05)	290
Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	314
Kinsman Rd. & E. 132nd St. — Land Reutilization Program — Mt. Pleasant Now Development Corp. (O 376-05).....	301
Kinsman Rd., 13917 — Land Reutilization Program — Mt. Pleasant Now Development Corp. (O 375-05)	300

Ward 04

E. 116th St., 3019 — objection — withdraw — liquor permit (R 382-05).....	305
E. 143rd St., 3249 — new — liquor permit (F 400-05)	289
Woodhill Rd., 2886 — objection — withdraw — liquor permit (R 315-05)	340

Ward 05

Cedar Ave. & E. 37th and 39th Sts. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 179-05).....	314
Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	314
Community College Ave., 3609 — objection — withdraw — liquor permit (Ward 5) (R 314-05)	339
E. 68th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 178-05)	314
Kuri, Dr. Alif A. — condolence (R 402-05)	290
NASA Glen Research Center — urging U.S. Congress — support — additional funding & adequate budget (R 305-05)	337
Phyllis Wheatley Association — Emeritus House — Low Income Housing Tax Credit Program — Council's support (R 379-05)	304

Ward 06

Erie Square Apartments, L.P. — Council's support — housing tax credits — Ohio Housing Finance Agency (R 299-05)	336
Fairfax Renaissance Development Corporation — Brownfield Redevelopment Fund Community Assessment Initiative grant application (R 378-05).....	304
Hudson Relays 2005 — permit — Case Western Reserve University (O 388-05).....	303
Juno Jog 5K Run/Walk — permit — Hermes Sports & Events (O 308-05).....	354

Ward 07

Famicos Foundation — Council's support — affordable housing using housing tax credits
 (R 288-05) 334
 Famicos Foundation — Council's support — Historic Newton Avenue Apartments — Ohio
 Housing Finance Agency (R 289-05) 334

Ward 08

Emerald Alliance, L.P. II — Council's support — housing tax credits — Ohio Housing
 Finance Agency (R 302-05) 337
 Hudson Relays 2005 — permit — Case Western Reserve University (O 388-05)..... 303
 St. Clair Ave. — Land Reutilization Program — Cleveland Housing Network, Inc.
 (O 181-05) 314
 St. Clair Ave., 7516 — objection — liquor permit (R 318-05) 340
 Whitley, Kim E. — recognition (R 408-05)..... 290

Ward 09

Eddy Rd. & Arlington & Edmonton Aves. — Land Reutilization Program — Cleveland Housing
 Network, Inc. (O 291-05) 315
 Emerald Alliance, L.P. II — Council's support — housing tax credits — Ohio Housing
 Finance Agency (R 300-05) 336

Ward 10

Lakeshore Blvd., 14002 — objection — withdraw — liquor permit (R 381-05) 305
 McLeod, Mary Angeline — condolence (R 403-05)..... 290
 St. Clair Ave., 14045 — objection — withdraw — liquor permit (R 313-05)..... 339
 Track and football-field complex — construction — 1050 E. 152nd St. — intention
 to appropriate property (R 228-05) 315

Ward 11

Flannery, James J. — condolence (R 404-05)..... 290
 Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19, 21 NEF
 (O 304-05) 354
 Jacob, Pastor Andre — recognition (R 409-05) 290
 Miklich, Deanna Marie — congratulation (R 407-05)..... 290
 Pembroke Homes Subdivision II — Lot Consolidation, Lot Split & Dedication Plat
 (F 343-05) 290
 Salvation Army — contract — recreational services — Division of Recreation (O 369-05)..... 297

Ward 12

Cloisters-Slavic Village, The — Subdivision Plat (F 342-05) 290
 Fleet Retail District Parking Project — Slavic Village Development Corporation — NEF
 — Urban Development Action Grant Funds (O 303-05)..... 353
 Independence Rd., 3628 — objection — liquor permit (R 321-05)..... 341

Ward 13

Annual Turkey Trot, 24th — permit — Hermes Sports & Events (O 387-05) 303
 Bading Ave. S.E. — intention to vacate (R 365-05)..... 302
 Cats in the Flats 10K & 5K Run and 2-Mile Walk — permit — Hermes Sports & Events
 (O 385-05) 303
 Cleveland Bench Bar Halloween Run — permit — Hermes Sports & Events
 (O 390-05) 304
 Cruise for the Critters race — permit — Hermes Sports & Events (O 386-05)..... 303
 Kuri, Dr. Alif A. — condolence (R 402-05)..... 290
 Lady Footlocker Women's Expo 5K Run & Walk — permit — Lady Footlocker
 (O 310-05) 354
 Mueller Electric Condominium — 1583 E. 31st St. — acquisition and development —
 Mueller Electric Condominiums, LLC (O 371-05)..... 298
 Prospect Place Apartments — 1104 Prospect Ave. — rehabilitation — 1104 Prospect Avenue
 Park And Lock, LLC (O 370-05)..... 297
 St. Malachi Run, 25th Annual — permit — Hermes Sports & Events (O 309-05)..... 354
 Superior Ave., 4829 — objection — withdraw — liquor permit (R 312-05)..... 339
 W. Sixth St., 1266 — objection — liquor permit (R 311-05)..... 339
 Winking Lizard 4 Mile Run & 2 Mile Walk — permit — Hermes Sports & Events (O 389-05) 304

Ward 14

Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	314
NASA Glen Research Center — urging U.S. Congress — support — additional funding & adequate budget (R 305-05)	337
Stockyard Redevelopment Organization & Cleveland Housing Network — Council's support — Stockyard Homes LP-1 — Ohio Housing Finance Agency (R 301-05)	337
Stockyard Redevelopment Organization — Land Reutilization Program — scattered sites (Ward 14 & 17) (O 374-05).....	299

Ward 15

Cleveland Housing Network Limited Partnership XXII — Council's support — housing tax credits — Ohio Housing Finance Agency (R 295-05)	335
Cleveland Housing Network Limited Partnership XXII SC — Council's support — housing tax credit — Ohio Housing Finance Agency (R 296-05)	335
Cleveland West Homes LP — Council's support — housing tax credits — Ohio Housing Finance Agency (R 297-05)	335
NASA Glen Research Center — urging U.S. Congress — support — additional funding & adequate budget (R 305-05)	337

Ward 16

Brookpark Rd., 2168 — transfer — liquor permit (F 401-05)	289
Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19, 21 NEF (O 304-05)	354

Ward 17

Ashbury Towers Phase One, Resubdivision of — Planned Unit Development (F 340-05)	289
Clark Ave. — Land Reutilization Program — Stockyard Development Organization (O 182-05).....	314
Cogswell Hall, Inc., Detroit Shoreway Community Development Organization & Lutheran Housing Corporation — Council's support — housing tax credits — Ohio House Finance Agency (R 380-05)	305
Courtland Court Townhouses — Subdivision Plat (F 341-05)	290
Detroit Ave., 8002 — objection — withdraw — liquor permit (R 325-05)	342
Madison Ave., 8309 — objection — withdraw — liquor permit (R 324-05)	342
Stockyard Redevelopment Organization & Cleveland Housing Network — Council's support — Stockyard Homes LP-1 — Ohio Housing Finance Agency (R 301-05)	337
Stockyard Redevelopment Organization — Land Reutilization Program — scattered sites (Ward 14 & 17) (O 374-05).....	299

Ward 18

Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19, 21 NEF (O 304-05)	354
Lockwood, Jr., Robert — congratulation (R 406-05).....	290

Ward 19

Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	314
Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19, 21 NEF (O 304-05)	354

Ward 20

Lorain Ave., 13999 — objection — liquor permit (R 323-05)	341
NASA Glen Research Center — urging U.S. Congress — support — additional funding & adequate budget (R 305-05)	337
Puritas Ave., 15649 — objection — liquor permit (R 322-05)	341

Ward 21

Heritage Home Preservation Program — amend Ord. No. 12-05 — Ward 11, 16, 18, 19, 21 NEF (O 304-05)	354
John Marshall High School — Cleveland Landmark (O 377-05).....	301

Waste Collection and Disposal Division

Bulk waste disposal services (O 360-05)	292
Debris disposal services — construction and demolition (O 363-05)	295
Municipal solid waste — contingency services (O 362-05)	294
Solid waste — transfer (O 361-05).....	293
Tires — transfer and disposal (O 364-05)	296

Water Division

Consumer confidence reports 2004 — 2005 — professional consultants — Division of Water (O 355-05)	290
---	-----