

The City Record

Official Publication of the Council of the City of Cleveland



April the Seventh, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

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

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

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – Darnell Brown, Commissioner

DEPT. OF PORT CONTROL – John C. Mok, Director
Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

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

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

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

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

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

DEPT. OF ECONOMIC DEVELOPMENT – Steven Sims, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 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; Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, APRIL 7, 2004

No. 4713

CITY COUNCIL

MONDAY, APRIL 5, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, April 5, 2004

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

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

Also present were Chief of Staff Debra Janik and Director Chandra, Barbara A. Langhenry, Chief Assistant Director of Law; Directors Konick, Mok, Ricchiuto, Watson, N. Ronayne, Routen, Fumich, Taylor, Johnson and C. Ronayne and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Jesse Harris of Tabernacle Baptist Church, located at 2042 West 26th Street, Cleveland, Ohio, located in Ward 14. Pledge of Allegiance.

MOTION

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

RECORDING OF VOTE OF ABSENT MEMBER

File No. 600-04.

MEMO

To: Valerie McCall,
Clerk of Council
From: Councilman Joe Jones,
Ward 1
Re: City Council Meeting

In accordance with Rule 22 of the Rules of Council, I hereby request that my vote be recorded as a yeas on the legislation passed and adopted by Cleveland City Council on March 29, 2004.

Thank you

Received.

RECORD OF VOTE

In accordance with the request of Council Member Jones and Rule 22 of the Rules of Council, the vote on the following ordinances and resolutions passed and adopted by Cleveland City Council on March 29, 2004 is changed as follows:

Ord. No. 545-04.
Yeas 19. Nays 0.

Ord. No. 546-04.
Yeas 19. Nays 0.

Ord. No. 547-04.
Yeas 19. Nays 0.

Res. No. 548-04.
Yeas 19. Nays 0.

Res. No. 549-04.
Yeas 19. Nays 0.

Res. No. 550-04.
Yeas 19. Nays 0.

Res. No. 551-04.
Yeas 19. Nays 0.

Res. No. 552-04.
Yeas 19. Nays 0.

Res. No. 553-04.
Yeas 19. Nays 0.

Ord. No. 1062-2000.
Yeas 20. Nays 0.

Ord. No. 775-03.
Yeas 20. Nays 0.

Ord. No. 778-03.
Yeas 20. Nays 0.

Ord. No. 2156-03.
Yeas 20. Nays 0.

Ord. No. 2246-03.
Yeas 20. Nays 0.

Ord. No. 164-04.
Yeas 20. Nays 0.

Ord. No. 168-04.
Yeas 20. Nays 0.

Ord. No. 251-04.
Yeas 20. Nays 0.

Ord. No. 253-04.
Yeas 20. Nays 0.

Ord. No. 334-04.
Yeas 20. Nays 0.

Ord. No. 335-04.
Yeas 20. Nays 0.

Ord. No. 467-04.
Yeas 19. Nays 1.

Ord. No. 115-04.
Yeas 20. Nays 0.

COMMUNICATIONS

File No. 601-04.

From the Department of Finance — copy of the City's Revised Cash Management and Investment Policy. Received.

File No. 602-04.

From the Department of Parks, Recreation and Properties — amendment to the Department of Parks, Recreation and Properties' Rules and Regulations. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 603-04.

Re: Transfer of Ownership Application — Tesharra Taylor, Inc., d.b.a. Triple T, 3277 East 25th Street. (Ward 12). Received.

File No. 604-04.

Re: Stock Transfer Application — Sokolowskis University Inn, Inc., 1201 University Road, first floor and basement. (Ward 13). Received.

File No. 605-04.

Re: Stock Transfer Application — LPH Investment Corp., d.b.a. Major Hooples Riverbed Cafe, 1930 Columbus Road, first floor and patio. (Ward 14). Received.

File No. 606-04.

Re: Liquor Agency Contract — 8007363 — Seyyara, Inc., d.b.a. Colliwood Village Food Mar, 16208 St. Clair Avenue. (Ward 11). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 607-04—Edward Fowler.
Res. No. 608-04 — Jerko Gerald "Jerry" Zovko.

Res. No. 609-04 — Elizabeth T. Downs.

Res. No. 610-04 — Josephine Thomas.

CONGRATULATION RESOLUTIONS

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

Res. No. 611-04—Bob Cerminara.
Res. No. 612-04—Garden of Prayer Church of God in Christ Women's Restoration Retreat.

Res. No. 613-04—Nellie Ruby Taylor.

RECOGNITION RESOLUTION

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

Res. No. 614-04 — Tartan Day — April 6th.

APPRECIATION RESOLUTION

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

Res. No. 615-04—John B. Wilbur.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 573-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Holland & Knight LLP for Washington lobbying services for the City of Cleveland.

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

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

Section 1. That the Director of Finance is authorized to enter into an agreement with Holland & Knight LLP for Washington lobbying services for the City of Cleveland, for the approximate sum of \$120,000, and a period not to exceed one year, payable from Fund No. 01-999800-632000, Request No. 146206.

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

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

Ord. No. 574-04.

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

An emergency ordinance authorizing the issuance and sale of Water Revenue Bonds of the City in a principal amount not to exceed \$175,000,000 for the purpose of refunding outstanding Water Revenue Bonds, authorizing a Supplemental Indenture to supplement the amended and restated trust indenture securing outstanding Water Revenue Bonds of the City, authorizing related matters, and declaring an emergency.

Whereas, the City of Cleveland, Ohio, a municipal corporation and

political subdivision in and of the State of Ohio, is authorized under Article XVIII of the Constitution of the State and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding bonds issued for that purpose; and (d) to issue additional bonds secured by a pledge of and lien on the Net Revenues of the Waterworks System on a parity with Bonds outstanding under the Indenture, as defined and described below; and

Whereas, this Council has determined that it is necessary to issue, sell and deliver additional Bonds under the Indenture in order to refund certain Outstanding Bonds to reduce the total debt service payable on the Outstanding Bonds; and

Whereas, this Ordinance constitutes an emergency measure providing for the immediate preservation of public property, health and safety, and for the further reason that this Ordinance is required to be immediately effective to permit the issuance and sale of the 2004 Bonds to obtain debt service savings for the benefit of the Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms defined in the Indenture, a copy of which is on file in with the Clerk of Council in File No. 574-04-A, the following words and terms shall have the following meanings, unless the context or use otherwise indicates:

"2004 Bonds" means the Bonds authorized to be issued under this Ordinance and the Indenture in one or more Series, sold under one or more Bond Purchase Agreements and secured under one or more Supplemental Indentures supplementing the Indenture to provide the terms of each Series.

"Bond Purchase Agreement" means one or more purchase agreements between the City and the Original Purchasers with respect to the 2004 Bonds authorized by Section 2 of this Ordinance.

"Certificate of Award" means one or more certificates providing for the determination of the final terms of the 2004 Bonds of each Series, consistent with the requirements of this Ordinance including, without limitation, Section 2 of this Ordinance.

"Continuing Disclosure Agreement" means one or more agreements authorized by Section 13 of this Ordinance and to be in accordance with Rule 15c2-12 of the Securities and Exchange Commission.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of 2004 Bonds of any Series.

"Escrow Agreement" means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 6 of this Ordinance.

"Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to the Escrow Agreement.

"Financial Advisor" means, with respect to the 2004 Bonds, Government Capital Management, L.L.C. or Columbia Equity Financial Corp., acting jointly or singly.

"Indenture" means the Amended and Restated Indenture, effective October 5, 2001, between the City and National City Bank, as Trustee, delivered under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and the consent of the owners of 66-2/3% of the applicable Bonds under the Indenture of Mortgage dated as of November 1, 1977.

"Original Purchasers" means, with respect to the 2004 Bonds, Bear, Stearns & Co. Inc., Morgan Stanley & Co. Incorporated, SBK-Brooks Investment Corp., and M. R. Beal & Company.

"Outstanding Bonds" means water revenue bonds of the City issued and outstanding under the Indenture, consisting of the following series of bonds, with the indicated principal amount currently outstanding:

Series G,	1993
(\$163,055,000),	Series H, 1996
(\$61,460,000),	Series I, 1998
(\$297,430,000),	Series J, 2001
(\$76,550,000),	Series K, 2002
(\$138,050,000),	and Series L, 2002
(\$90,000,000).	

"Refunded Bonds" means those Outstanding Bonds designated in the Certificate of Award as the Bonds to be refunded with proceeds of the 2004 Bonds.

"Supplemental Indenture" means one or more Supplemental Indentures between the City and the Trustee securing the 2004 Bonds and authorized under Section 6 of this Ordinance. In the event that the 2004 Bonds are issued in more than one Series under more than one Supplemental Indenture, references in this Ordinance to the Supplemental Indenture mean the Supplemental Indenture applicable to that Series.

Section 2. Authorization of the 2004 Bonds. This Council finds and determines it is necessary and proper and in the best interest of the City to issue the 2004 Bonds for the purpose of refunding the Refunded Bonds. The 2004 Bonds may be issued in one or more Series. The principal amount of each Series of 2004 Bonds is to be the amount set forth in the Certificate of Award authorized in Section 2. The aggregate principal amount of 2004 Bonds of all Series issued for the purpose of refunding the Refunded Bonds shall not exceed \$175,000,000 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary to refund the Refunded Bonds and to obtain aggregate net present value debt service savings with respect to the Refunded Bonds of not less than three percent (3%). The proceeds from the sale of each Series of 2004

Bonds shall be allocated, deposited and applied as provided in Section 4 of this Ordinance.

The 2004 Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the 2004 Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of 2004 Bonds may be issued at the same or different times. The 2004 Bonds of each Series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each Series.

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a Series of 2004 Bonds to be obligations bearing interest at variable interest rates, then the Director of Finance is authorized to so specify in the Certificate of Award for that Series. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the 2004 Bonds of that Series shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise; provided that no Series of 2004 Bonds shall bear interest at a rate in excess of sixteen percent (16%) per year. Notwithstanding that limitation, a Series of 2004 Bonds held by a provider of a Credit Support Instrument may bear interest at a rate not in excess of twenty-five percent (25%) per year as provided in the agreement with the provider of the Credit Support Instrument. The Director of Finance may determine that the terms of a variable rate Series of 2004 Bonds may or may not permit the Holders to tender their variable rate 2004 Bonds for purchase by the City. If the Director of Finance designates any Series of 2004 Bonds as variable rate 2004 Bonds, and if the Holders of that Series of 2004 Bonds are to be entitled to tender those 2004 Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate 2004 Bonds, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the 2004 Bonds, and from time to time thereafter so long as the 2004 Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right

of tender and providing for payment of the purchase price of, or debt service on, the variable rate 2004 Bonds. In the event the variable rate 2004 Bonds are issued as auction rate obligations, the Director of Finance is authorized, to enter into agreements from time to time, so long as the 2004 Bonds are outstanding, with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

Regardless of whether a Series of 2004 Bonds bears interest at variable or fixed rates, the Director of Finance is authorized to contract for Credit Support Instruments, and to pay the costs of them from proceeds of the 2004 Bonds, if he determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument or Instruments will result in a savings in the cost of the financing to the City.

The Refunded Bonds shall be designated by the Director of Finance in the Certificate of Award and shall consist of those Outstanding Bonds the refunding of which will enable the City, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, to obtain aggregate net present value debt service savings of not less than three percent (3%). The Refunded Bonds shall be called for redemption or retired on the date or dates specified in the Certificate of Award. The redemption dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

Section 3. Sale of 2004 Bonds. The 2004 Bonds shall be sold to the Original Purchasers pursuant to one or more Bond Purchase Agreements substantially in the form of the Bond Purchase Agreement now on file with the Clerk in the File referenced in Section 1 with such changes not inconsistent with the Indenture or this Ordinance and not substantially adverse to the City as may be approved by the officer signing the Bond Purchase Agreement on behalf of the City. The approval of any changes by that officer and the determination by that officer that the change is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of the Bond Purchase Agreement by that officer. The Director of Finance shall sign and deliver the Certificate of Award and Bond Purchase Agreement for the 2004 Bonds of each Series, one or more of which shall specify and set forth the following details with respect to the 2004 Bonds:

(a) the aggregate principal amount; provided that amount shall not exceed \$175,000,000 assuming that the 2004 Bonds are to be initially offered to the public at a price at least equal to their aggregate principal amount; however, if any of the 2004 Bonds are to be initially offered to the public at an original

issue discount, the maximum aggregate principal amount of 2004 Bonds shall be increased over that amount by an amount equal to the aggregate original issue discount net of the aggregate original issue premium;

(b) the date or dates of the 2004 Bonds;

(c) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by subtracting from the aggregate principal amount of the 2004 Bonds any aggregate original issue discount net of any aggregate original issue premium with respect to the 2004 Bonds, plus (ii) any accrued interest on the 2004 Bonds from their date to the date of their delivery to the Original Purchasers;

(d) whether any 2004 Bonds are subject to optional redemption prior to maturity and, if so, the earliest optional redemption date for those 2004 Bonds subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable Series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

(e) the dates on which principal of the 2004 Bonds is to be paid, which shall be not later than 30 years from the date of delivery, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of 2004 Bonds of a particular maturity;

(f) the interest rates to be borne by 2004 Bonds bearing interest at a fixed rate, which shall not exceed amounts that result in an average yield in excess of six percent (6%), and the method by which the interest rate is to be determined for 2004 Bonds bearing interest at variable rates, consistent with Section 2. The 2004 Bonds of the same Series and same maturity may bear interest at different interest rates;

(g) the particular Outstanding Bonds or portions thereof to be Refunded Bonds;

(h) any deposit required to be made to the Debt Service Reserve Fund; and

(i) the title and Series designation for the Bonds.

It is determined that the terms of the 2004 Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

Section 4. Application of Proceeds of 2004 Bonds. The proceeds of the sale of the 2004 Bonds shall be deposited as follows:

(a) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the 2004 Bonds as accrued interest on any 2004 Bonds from their dated date to the date of the delivery of and payment for those 2004 Bonds;

(b) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(c) to the Trustee, for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement, any proceeds to be applied in accordance with the Escrow Agreement to refund the Refunded Bonds; and

(d) to the Trustee for deposit in the Costs of Issuance Fund for the 2004 Bonds (to be established under the applicable Supplemental Indenture) the balance of the proceeds to be applied to pay costs of issuing the 2004 Bonds.

Provision shall be made in the Supplemental Indenture for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of the Bonds as a result of the Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provision may be made in the Supplemental Indenture for the creation of separate accounts within the funds established under the Indenture or Supplemental Indenture.

Section 5. Terms and Provisions Applicable to the 2004 Bonds.

(a) **Form; Exchange and Transfer.** All 2004 Bonds shall be issued in fully registered form. The 2004 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture.

(b) **Dates; Denominations.** The 2004 Bonds shall be dated as of the date or dates provided in the Certificate of Award. The 2004 Bonds of each Series shall be issued in the denominations permitted in the Supplemental Indenture.

(c) **Interest and Place of Payment.** The 2004 Bonds shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate 2004 Bonds, determined pursuant to the Supplemental Indenture). The 2004 Bonds of each Series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each 2004 Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) **Maturities.** The 2004 Bonds shall mature on the principal retirement dates provided in the Certificate of Award.

(e) **Optional and Mandatory Redemption.** The 2004 Bonds may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award. Any 2004 Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall

be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The 2004 Bonds designated in the Certificate of Award as term bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Certificate of Award in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Certificate of Award and in accordance with the Supplemental Indenture.

(f) **Execution.** The 2004 Bonds shall be signed by the persons and in the manner set forth in the Indenture.

(g) **Numbering.** The 2004 Bonds shall be numbered as determined by the Director of Finance.

Section 6. Authorization of Supplemental Indenture; Escrow Agreement.

In order to secure the payment of the principal of and any premium and interest on the 2004 Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the 2004 Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers.

The Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein to the payment of the Refunded Bonds and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the applicable Refunded Bonds subject to redemption in accordance with the Certificate of Award and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of

Law, with one or more institutions, including agreements to enable the City to more efficiently structure an Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Refunded Bonds, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys in an Escrow Fund, for the payment of debt service on the Refunded Bonds.

Section 7. Rebate Fund. There is hereby established and ordered to be maintained one or more separate accounts (except when invested as provided in the Indenture) within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the 2004 Bonds or the Outstanding Bonds. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

Section 8. Other Provisions for Payment of Outstanding Bonds. The City may, from time to time, deposit funds in trust with the Trustee for the payment of principal and interest requirements on any Outstanding Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Financial Advisor, doing so will improve the debt service coverage ratio of the Waterworks System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to deposit into an escrow fund, from time to time, moneys transferred from Fund No. 52-001 of the Water Division, in amounts that, in the aggregate, do not exceed \$50,000,000, with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Bonds, as and when due at maturity or upon prior redemption, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more escrow agreements approved as to form and correctness by the Director of Law, providing for the establishment of an escrow fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and

expenses for its performance of its duties under the agreement. The officers signing the agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the agreement by those officers. The Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Bonds.

Section 9. Interest Hedge Agreements. This Council finds that by engaging in interest hedge transactions, from time to time, the City can, in effect, convert interest on all or a portion of the 2004 Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, or exchange one floating rate for another floating rate with respect to all or any portion of the 2004 Bonds or otherwise hedge its interest rate risk and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations or minimizing the risk of variations in its debt service costs or maximizing savings. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the execution and delivery of one or more hedge agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement.

The Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the maximum aggregate notional amount of interest rate hedge transactions outstanding at any one time, net of offsetting interest rate hedge transactions, shall not exceed such amount as will result in a lowering of the ratings assigned to the Bonds by the rating agencies, as is evidenced by written correspondence from the rating agencies or policies published in writing by the rating agencies, and (b) the term of each interest rate

swap transaction shall not exceed 30 years. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance. The Director of Finance may obtain the services of a swap advisor or other financial advisor determined by the Director of Finance to be knowledgeable about hedging transactions to advise the City concerning any Hedge Agreement undertaken pursuant to this Section.

The City's payment obligations under each Hedge Agreement shall be payable from the Net Revenues of the Waterworks System and may be secured by a pledge of the Net Revenues on a parity with the pledge given under the Indenture to secure Bonds, subject to the requirements of Article XI of the Indenture with respect to Parity Obligations. The obligation of the City to make payments under a Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City. Nothing shall give any party to a Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State for the payment of any amounts due under a Hedge Agreement.

Section 10. Covenants of the City.

The City, by issuance of the 2004 Bonds, covenants and agrees with the Holders of the 2004 Bonds, that:

(a) The City will use the proceeds of the 2004 Bonds to refinance any Refunded Bonds, to fund any required deposit to the Debt Service Reserve Fund, and to pay costs relating to the issuance of the 2004 Bonds.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the 2004 Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the 2004 Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the 2004 Bonds and this Ordinance or as may be required by Section 13, Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the 2004 Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the 2004 Bonds in such manner and to such extent as may be necessary so that (a) the 2004 Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of 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.

(f) The City covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 2004 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 2004 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of 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 2004 Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the 2004 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 2004 Bonds from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the 2004 Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the 2004 Bonds.

The Mayor, the Director of Finance or any other officer of the City having responsibility for the issuance of the 2004 Bonds is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the 2004 Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the 2004 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of 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 amount or payments, as determined by that 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 2004 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the 2004 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the 2004 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the 2004 Bonds and interest thereon.

Section 11. Authorization of Bond Rating and Credit Enhancement.

If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on the 2004 Bonds by one or more nationally recognized rating agencies or for Credit Support Instruments are necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit any or all of those applications, to provide information as may be required in support of those applications and to provide for the payment of the costs of ratings and Credit Support Instruments from proceeds of the 2004 Bonds or funds of the Water Division, which are appropriated for the purpose.

Section 12. Authorization of Official Statement.

The Director of Finance, the Director of Public Utilities and the Commissioner of the Division of Water are each authorized and directed to cooperate in the preparation of and (with respect only to the Official Statements) to sign, on behalf of the City and in their official capacities, one or more Preliminary Official Statements and final Official Statements, as described in the applicable Bond Purchase Agreement for the applicable Series of 2004 Bonds, to serve as disclosure documents in connection with the public offering and sale of the 2004 Bonds. Those officers are authorized to use and distribute, or to authorize the use and distribution of, the Preliminary Official Statements and the final Official Statements and any supplements to them in connection with the original issuance of the 2004 Bonds. The Mayor, the Director of Finance, the Director of Public Utilities, the Commissioner of the Division of Water and the Director of Law are further authorized to sign and deliver, on behalf of the City and in their official capacities, acting alone or together, certificates with respect to the accuracy of each Preliminary Official Statement and final Official Statement and any supplements to them as may be required under the applicable Bond Purchase Agreement or as may, in their judgment, be necessary or appropriate. The Director of Finance is authorized and directed to contract for services for the production and distribution of the Preliminary Official Statements and final Offi-

cial Statements, including by printed and electronic means.

Section 13. Continuing Disclosure Agreement.

In compliance with Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC"), the City shall enter into one or more Continuing Disclosure Agreements, approved as to form and correctness by the Director of Law, between the City and the Trustee, substantially in the form now on file with the Clerk in the File referenced in Section 1 of this Ordinance, with any changes that are not substantially adverse to the City as may be approved by the officer signing those Agreements on behalf of the City. The approval of any changes to a Continuing Disclosure Agreement by that officer and the determination by that officer that no such change is substantially adverse to the City shall be conclusively evidenced by the signing of that Continuing Disclosure Agreement by that officer. In each Continuing Disclosure Agreement, the City shall agree to provide, or cause to be provided, to each nationally recognized municipal securities information repository designated by the SEC from time to time in accordance with that Rule, and to any state information depository, the annual financial information and operating data and notices of specified events required by that Rule, as more particularly described in the Continuing Disclosure Agreement. The Mayor, Director of Finance and Director of Public Utilities, or any one of them, are authorized and directed to sign and deliver each Continuing Disclosure Agreement and any related agreements, certificates and other instruments, and to deliver such information, as may be necessary or appropriate to comply with the requirements of the Rule. The City understands and agrees that those commitments are intended to be for the benefit of the holders from time to time of the 2004 Bonds, including holders of book-entry interests in those Bonds.

Section 14. Authorization of Other Documents.

To provide for the issuance and sale of the 2004 Bonds and the consummation of the transactions contemplated by this Ordinance, the Indenture, each Bond Purchase Agreement, each Supplemental Indenture, each Escrow Agreement, any agreement delivered pursuant to Section 8 and each Hedge Agreement, the Mayor, the Director of Finance and the Director of Public Utilities, or any one of them, and such other officers of the City as may be appropriate, are authorized and directed to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments as may be necessary or appropriate to issue the 2004 Bonds and to consummate those transactions.

Section 15. Open Meeting Determination.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its com-

mittees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 16. Findings and Recitals of Validity. The City determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the 2004 Bonds in order to make the 2004 Bonds legal, valid and binding obligations of the City have or will have happened or have or will have been done and performed in regular and due form as required by law and the City's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the 2004 Bonds or their issuance. It is further found and determined, and is represented and recited, that the provisions of the City's Charter and the rules of this Council have been fully complied with and that this Ordinance was adopted in conformity therewith.

Section 17. Severability. In case any section or provision of this Ordinance, or in case any covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance, is for any reason held to be illegal or invalid, or is at any time inoperable by reason of any law, that illegality or inoperability shall not affect any other section or provision of this Ordinance, or any other covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance. This Ordinance shall be construed and enforced as if such illegal or invalid or inoperable portion were not contained in it. Any such illegality or invalidity or inoperability shall not affect any legal and valid and operable application from time to time, and each such section, provision, covenant, stipulation, obligation, agreement, act or action shall be deemed to be effective, operative, made or taken in the manner and to the full extent from time to time permitted by law.

Section 18. Effective Date. This Ordinance is declared to be an emergency measure for the reasons set forth in the preambles. Those preambles are made a part hereof. Provided that this Ordinance receives the affirmative vote of two-thirds of all members elected to this Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 575-04.
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 130444)

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 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. 576-04.
By Council Members Westbrook and Jackson (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into amendments to the Master Leases with various airlines at Cleveland Hopkins International Airport to modify the leased premises of the affected airlines.

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 enter into amendments to the contracts listed below between the City of Cleveland and various airlines at Cleveland Hopkins International Airport to modify the amount of each airlines' leased premises to the areas and square footage described in File No. 576-04-A. All other terms and conditions contained in the original agreements shall remain the same.

Contract No. Airline

55337	Air Canada
31083	American Airlines, Inc.
38171	Continental Airlines, Inc.
30883	Delta Air Lines, Inc.
31263	Northwest Airlines, Inc.
46540	Southwest Airlines Co.
28672	US Airways, Inc.
	(successor-in-interest to Allegheny Airlines, Inc.)
31262	United Air Lines, Inc.

Section 2. That the amendments shall be effective January 1, 2004, be prepared by the Director of Law, and contain other terms and conditions that the Director of Law deems necessary to protect and benefit the public interest.

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

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

Ord. No. 577-04.
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 130444)

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, per-

taining 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 Sure-

ty 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. 578-04. By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with PinPoint Technologies, Inc. for the purchase of pen-base technical support and software upgrades, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than PinPoint Technologies, Inc. Therefore the Director of Public Safety is authorized to make one or more written contracts with PinPoint Technologies, Inc., on the basis of its proposal dated December 19, 2003, for pen-base technical support and software upgrades, to be purchased by the Commissioner of Purchases and Supplies, for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600402-601500, Request No. 128932.

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

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

Ord. No. 579-04. By Council Members Johnson, Gordon, Sweeney, Cimperman, and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing infrastructure improvements for the St. Luke's housing development project; and authorizing the Directors of Community Development and Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing infrastructure improvements for the St. Luke's housing development project, for the Departments of Community Development and Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 363, 20 SF 372, 20 SF 379, and 20 SF 393, Request No. 125756.

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

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

Ord. No. 580-04.
By Council Members Cimperman, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide economic development assistance to partially finance the purchase of personal property and to make interior leasehold improvements to the property located at 1500 West 3rd Street, and all other associated costs to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide economic development assistance to partially finance the purchase of personal property and to make interior leasehold improvements to the property located at 1500 West 3rd Street, and all other associated costs 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. 580-04-A.

Section 3. That the costs of the contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund Nos. 17 SF 008 and 12 SF 954, which funds are appropriated for this purpose, Request No. 103616.

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

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

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

Section 7. That the Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction.

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

Referred to Directors of Economic Development, Finance, Law; Com-

mittees on Community and Economic Development, Finance.

Ord. No. 581-04.
By Council Members Cimperman, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide for a ten-year, seventy-five percent tax abatement for certain tangible personal property located at 1500 West 3rd Street in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. (the "Enterprise") has proposed to invest, locate, and expand its loan servicing operations at 1500 West 3rd Street in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on certain tangible personal property were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, seventy-five percent (75%) tax abatement for certain tangible personal property; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 581-04-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative

authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the Director deems necessary to protect the City's interest.

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

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

Ord. No. 582-04.
By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, relating to a requirement contract of various plumbing and heating equipment and supplies, including related materials and supplies, for the Department of Parks, Recreation and Properties, for a period of three 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 Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, is amended to read as follows:

Section 2. That the cost of said contract shall not exceed \$370,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21709)

Section 2. That Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, is repealed.

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

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

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

Ord. No. 583-04.

By Council Member Westbrook.

An emergency ordinance to amend Sections 670B.02 and 670B.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1989-01, passed October 22, 2001, and Section 670B.05 thereof, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to the regulation of outdoor pay telephones.

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

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

Section 1. That Sections 670B.02 and 670B.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1989-01, passed October 22, 2001, and Section 670B.05 thereof, as amended by Ordinance No. 2393-02, passed February 3, 2003, are amended to read, respectively, as follows:

Section 670B.02 Requirements for License and Contracts; Permits; Location Requirements

(a) No person shall engage in the business of providing and installing outdoor pay telephones on private property, and no person shall install, place or maintain an outdoor pay telephone on private property, unless the owner has a biennial outdoor pay telephone license. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter.

(b) No person shall engage in the business of providing and installing outdoor pay telephones in the public right-of-way, and no person shall install, place or maintain an outdoor pay telephone within the public right-of-way unless the owner of the telephone has entered into a biennial contract with the Director that grants to such owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter. This prohibition also applies to any outdoor pay telephone that is attached to or mounted on a building or other structure when such telephone extends above or into the right-of-way, and any outdoor pay telephone located in the right-of-way that is attached to a building or structure by a wire or cable.

(c) No person shall engage in the business of providing and installing outdoor pay telephones on private property or in the right-of-way, and no person shall install, place or maintain an outdoor pay telephone on private property or in the right-of-way unless the owner has a biennial permit for each telephone installed, placed or maintained, issued in accordance with the requirements of this Chapter.

(d) It shall be unlawful for any person to install, own or maintain, or to allow the installation or maintenance of, an outdoor pay telephone on private property or the public right-of-way under any of the following circumstances:

(1) On any vacant private property;

(2) On any private property where any or all buildings are vacant;

(3) On any private property that has a premises licensed for the sale of alcoholic liquor (other than beer or wine);

(4) In a residential use district as defined in the Zoning Code of the City, or within 50 feet of a residential dwelling unit in a residential use district;

(5) At a location where use from a vehicle is possible which would cause the vehicle to stand in a driveway or aisle in a parking lot or in the right-of-way;

(6) Within 5 feet of any area used for vehicular ingress or egress or an aisle way in a parking area for vehicular travel;

(7) Within 5 feet of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit or escape, a mail box, parking meter, police or fire call box, traffic control box, fire hydrant or sidewalk elevator, or that blocks or restricts free passage of pedestrians or vehicles; or

(8) On any property or at any location that has been determined by the Director of Public Safety to create a nuisance based upon prior actual use.

(e) No dial tone provider shall provide dial tone to any outdoor pay telephone on private property or in the right-of-way without first verifying that the pay telephone has been permitted by the City pursuant to this Chapter.

(f) All outdoor pay telephones on private property or in the right-of-way must: automatically block all incoming calls and provide outgoing only service; prevent the use of pagers or beepers; use electric wiring, not telephone wire, for electric connections; be well lighted if available for use during hours between sunset and sunrise, which may include ambient lighting; and be kept free from graffiti and stickers not placed by the owner, and kept clean.

(g) Any outdoor pay telephone placed or installed on private property or in the right-of-way shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone, and shall have the capability to make the telephone inoperative for designated periods of time, to provide lists of each outgoing call as to the number called, its duration, and the date and time of the call, shall have built in volume control and shall have a key pad that prevents the use of pagers or beepers.

(h) No outdoor pay telephone shall be placed or installed at any location on private property or in the right-of-way that is within 500 feet of any other outdoor pay telephone, whether on private property or in the right-of-way.

(i) The 500 feet restrictions in this Section shall not apply to any retail gas service station. The 500 feet restrictions shall also not apply to: the Central Business District as defined in Section 325.12 of the Codified Ordinances; the Flats Oxbow Revitalization District; the University Circle institutional area defined as the area included within and bounded by both sides of East 105 Street, East Boulevard, Ford Road, and Euclid Avenue; Regional Transit Authority rapid stations and the adjacent right-of-way; hospitals, universities, and Cuyahoga Community College and the adjacent right-of-

way; and strip shopping centers and the adjacent right-of-way. All other requirements of this Chapter apply to outdoor pay telephones in the areas named in this division.

(j) An owner may apply in writing to the Commissioner for an exemption from the 500 feet restriction to place multiple outdoor pay telephones at one location, due to a demonstrated appropriate use or need for additional outdoor pay telephones as a result of a high level of pedestrian and automobile traffic, and a concentration of heavy usage of pay telephones at that location. Any such application shall be referred to the Director of Planning for review and approval, and if so approved, shall be submitted to Council for action. If Council passes an ordinance approving the exemption, such ordinance shall be forwarded to the Commissioner who shall attach the approved exemption to the license of the owner or as an amendment to the owner's contract, and the owner then may apply for permits for additional phones, as approved.

(k) For the purposes of this section, the submission of a completed application for a permit for a telephone on private property or in the right-of-way, shall be considered a placement of a pay telephone.

Section 670B.03 Contracts with Outdoor Pay Telephone Owners; Public Right-of-Way

(a) Any owner may enter into a biennial contract with the Director that grants to the owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way for a period of two years, subject to the terms and conditions set forth in the contract and this Chapter.

(b) Any contract entered into pursuant to division (a) of this section must include as terms and conditions at a minimum all of the requirements of this Chapter applicable to pay telephones in the right-of-way; however, the City may impose additional requirements and restrictions on pay telephones in the right-of-way in the contract with an owner, but no such requirements may unnecessarily discriminate in favor of or against any owner.

(c) Owners with a contract to install telephones in the right-of-way shall apply for permits under Section 670B.05 for each telephone.

Applications for permits shall be given preference for purposes of determining compliance with the distance requirements in the order that they are received.

(d) The Director shall determine whether to approve the proposed location of all outdoor pay telephone to be installed and maintained in the right-of-way, and in doing so shall consider the following factors in addition to other requirements of this Chapter:

(1) Possible obstruction of pedestrian and vehicular traffic;

(2) The size of the telephone and any booth stand, or pole;

(3) The ability to provide access by disabled persons;

(4) The proliferation of visual clutter; and

(5) Such other factors as are delineated in the contract.

(e) Any outdoor pay telephone installed and maintained in the right-of-way must:

(1) Allow a "direct dial" of 911 without the need to first use a coin

or a credit card or the need to dial the operator;

(2) Have a functioning coin return mechanism;

(3) Have affixed in a readily visible place a notice setting forth the name of the owner, the owner's telephone number for repair and the telephone number or serial number of the outdoor pay telephone;

(4) Be maintained in a properly functioning, clean, neat and attractive condition, free of rust and free of danger of electrical shock;

(5) Not be used for advertising signs or publicity of any sort; and

(6) Be in full compliance with all state and federal laws and regulations, including this Chapter.

(f) The owner of each outdoor pay telephone shall **indemnify the City and hold it harmless from any and all claims or liability arising from any act of the owner, or failure to act, in the installation, maintenance and operation of the telephone. The owner shall submit to the Commissioner, at its own expense, general liability insurance to protect the owner and the City from all claims for damage to property or bodily injury, including death. The insurance shall be in an amount not less than one hundred thousand dollars (\$100,000) combined single limit, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty (30) days' prior written notice to the City. A certificate of such insurance shall be provided to the Director at the time of execution of the contract and shall be maintained before and during the installation of any telephone in accordance with the contract and throughout the period that the contract for any telephone is in effect. The Director may accept documentation that the owner has a self-insurance retention plan in lieu of insurance, provided that the Director determines that the coverage is equivalent or better than the insurance coverage required by this division.**

Section 670B.05 Biennial Outdoor Pay Telephone Permits Required

(a) Prior to the installation or placement of an outdoor pay telephone on private property or in the right-of-way, and biennially thereafter, the owner of the telephone shall submit an application for a permit to the Commissioner upon forms to be prescribed by the Commissioner. The applicant may request that documents and information provided to the Commissioner be considered confidential and not public records by labeling such documents or information as "Confidential and Proprietary," and the Commissioner shall disclose such documents or information only to those parties to whom disclosure is necessary to carry out the provisions of this Chapter, unless otherwise required by law. The application shall include the following information:

(1) The name, address, telephone number and federal tax identification or social security number of the owner;

(2) The number of the owner's outdoor pay telephone license or contract, as applicable;

(3) The serial number or telephone number and dimensions of the outdoor pay telephone and any enclosure;

(4) A description of the services provided for the users of the outdoor pay telephone, including any special telephone features or restrictions;

(5) If the telephone was or will be placed, installed and maintained by a licensee, the name, address and telephone number of the property owner and any lessees of the property where the outdoor pay telephone is or will be located;

(6) A drawing of the location of the telephone for which the permit is requested and the location of any telephone within 500 feet of that telephone;

(7) A description of the source and brightness of lighting of the telephone by built-in or ambient lighting;

(8) Any other information as the Commissioner deems necessary to ensure compliance with this Chapter.

(b) A biennial permit fee of one hundred dollars (\$100.00) per telephone installed or to be installed shall be submitted with the application. This permit fee is for the purpose of defraying the expenses incident to the administration of the provisions of this Chapter.

(c) The owner shall promptly notify the Commissioner in writing of any change in the information required by division (a) of this Section. The owner must submit a written notice of the removal of any telephone to the Commissioner prior to the removal. No refund of fees previously paid shall be made for telephones removed by the owner, the City or otherwise. If the owner plans to change the location of a telephone that is already permitted, or install a new phone at the same location, the owner must submit a new application for a permit and the fee to defray the expenses incident to the administration of the provisions of this Chapter. No additional fee or permit application is required to replace a broken or defective telephone, or to permanently relocate a telephone 10 feet or less once per permit period or to relocate a telephone temporarily on the same property for a period of less than 90 days. An owner must notify the Commissioner of any relocation allowed by this division within 30 days of the relocation.

(d) A copy of each application for a permit and any notice of a removal shall be provided by the Commissioner to the Director of Public Safety, the Director of Public Service, and the Council member in whose ward the telephone is proposed to be installed. The Commissioner shall refer each application for a permit to the Commissioner of Building and Housing for review and approval. The Commissioner of Building and Housing shall determine whether or not the provisions of the Building or Zoning Codes would be violated by the installation of the telephone, and particularly, set back requirements, use restrictions, restrictions as to attachments to structures, and if located in a parking lot, the Zoning requirement that a specified number of parking spaces be available for use by the business. These officials shall notify the Director in writing of any objections to the permit within thirty days after receiving the application.

(e) If an application for a permit is for the placement of a pay telephone in a design review district,

then the Commissioner shall also refer it to the City Planning Commission or Landmarks Commission, whichever is applicable, and that commission shall notify the Director in writing of any objections to the permit within thirty days after receiving the application. In deciding whether or not to object to the issuance of the permit, the City Planning Commission or Landmarks Commission, acting in accordance with its rules and regulations, shall consider whether the placement of the phone is consistent with the design review standards for the district; whether it is consistent with other streetscape elements in the vicinity and any overall streetscape plan for the district; whether there have been streetscape improvements in the area such as special lighting, landscaping, pavers, and the like; whether there is any visual clutter concerns if a pay telephone is installed; and whether there are any architectural or historical considerations. As used in this division, "design review district" means any area in which building permits require review and approval of either the City Planning Commission or the Landmarks Commission.

(f) A permit application shall be disapproved if a telephone has been determined to be a nuisance pursuant to this Chapter within 500 feet of the proposed telephone location within the previous two years, and may be disapproved if the applicant has violated this Chapter within the previous one year.

(g) Upon receipt of a completed application that demonstrates that the telephone will be in compliance with this chapter and all required information and fees, the Commissioner shall issue to the owner an outdoor pay telephone permit and shall provide the owner with a label to be affixed to each telephone identifying the registration number and location of the telephone. **The Commissioner shall ordinarily approve or disapprove a permit within 45 days of the receipt of a completed application and fee, unless the exercise of due diligence by the Commissioner requires that a longer period of time be taken.** A telephone for which a permit is issued shall be installed within 30 days of the issuance of the permit or the permit is void and no longer effective. No refund of permit fees shall be given if the permit becomes void.

Section 2. That existing Sections 670B.02 and 670B.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1989-01, passed October 22, 2001, and existing Section 670B.05 thereof, as amended by Ordinance No. 2393-02, passed February 3, 2003, are repealed.

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

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

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

Ord. No. 584-04.**By Council Member Conwell.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Custom Enrichment Program for the Forest Hills Parkway Empowerment Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective January 1, 2004 to December 31, 2004 with the Cleveland Church of Christ Custom Enrichment Program for the Forest Hills Parkway Empowerment Program for the public purpose of providing comprehensive social support programs for Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$18,600 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 585-04.**By Council Member Conwell.**

An emergency ordinance amending the Title and Section 1 of Ordinance No. 493-04, passed March 22, 2004 as it pertains to the Understanding the Law Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the title and Section 1 of Ordinance No. 493-04, passed March 21, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Consumer Affairs to enter into an agreement with the Garrett Square Development Corporation for Understanding the Law Program through the use of Ward 9 Neighborhood Equity Funds.

Section 1. That the Director of Consumer Affairs is authorized to enter into an agreement with the Garrett Square Development Corporation for the Understanding the Law Program for the public purpose of providing legal educational seminars for Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the title and Section 1 of Ordinance No. 493-04, passed March 21, 2004 are hereby repealed.

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

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

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

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

Ord. No. 586-04.**By Council Member Pierce Scott.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Glenville Development Corporation for the Glory Girls Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Glenville Development Corporation for the Glory Girls Program for the public purpose of providing after-school educational activities for public school students residing in the City of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,300 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 587-04.**By Council Member Pierce Scott.**

An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 2338-02, passed November 25, 2002 as amended by Ordinance No. 256-03, passed February 24, 2003, and as amended by Ordinance No. 345-04, passed March 8, 2004 as it relates to the Community Parenting Program that is being funded through Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 2338-02, passed November 25, 2002, as amended by Ordinance No. 256-03, passed February 24, 2003, and as amended by Ordinance No. 345-04, passed March 8, 2004 are hereby amended to read respectively as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Church of Christ Custom Enrichment Program for the Community Parenting Program through the use of Ward 8 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Church of Christ Custom Enrichment Program effective from **September 1, 2002 to June 30, 2004** for the Community Parenting Program for the public purpose of providing parenting support and education for families residing in the City of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed **\$34,500** and shall be paid from Fund No. 10 SF 166.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 2338-02, passed November 25, 2002, as amended by Ordinance No. 256-03, passed February 24, 2003, and as amended by Ordinance No. 345-04, passed March 8, 2004 are 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 588-04.**By Council Member Jackson.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Antwon V. Jenkins).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business district, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Antwon V. Jenkins at the corner of East 30th Street and Central and Cedar Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

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

Ord. No. 594-04.**By Council Member Cimperman.****An emergency ordinance consenting and approving the issuance of a permit for the American Memorial 5K Run & Walk, May 29, 2004 sponsored by 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 American Memorial 5K Run & Walk, sponsored by Hermes Sports & Events on May 29, 2004, beginning at the Chop House on St. Clair Avenue, St. Clair to West 3rd, West 3rd to Lakeside, Lakeside to East 9th, East 9th to Eriesside, Eriesside to Al Lerner Way, around Browns Stadium, return to finish at the Chop House, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 595-04.**By Council Member Cimperman.****An emergency ordinance consenting and approving the issuance of a permit for the USO Run for the Troops, June 12, 2004 sponsored by 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 USO Run for the Troops, sponsored by Hermes Sports & Events on June 12, 2004, beginning at the US Naval Reserve, North Marginal west to East 9th, East 9th south to Lakeside, Lakeside west to City Hall, turn around, Lakeside east to East 9th north to Eriesside, west to Al Lerner Way and West 3rd, around Browns Stadium to Eriesside east 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 596-04.**By Council Member Cimperman.****An emergency ordinance consenting and approving the issuance of a permit for the Visiting Nurses Association Healthy Steps 5K Run & 2 Mile Walk, June 19, 2004 sponsored by 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 Visiting Nurses Association Healthy Steps 5K Run & 2 Mile Walk, sponsored by Hermes Sports & Events on June 19, 2004, starting at East 22nd at Woodland, East 22nd to Community College, Community College to East 24th, East 24th to Central, Central to East 22nd, East 22nd to Carnegie, Carnegie to East 9th, East 9th to Euclid, Euclid to East 21st, East 21st to Carnegie, Carnegie to East 22nd East 22nd to Woodland, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 597-04.**By Council Member Cimperman.****An emergency ordinance consenting and approving the issuance of a permit for the National Multiple Sclerosis Society Walk, April 18, 2004 sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society.**

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 National Multiple Sclerosis Society Walk sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society on April 18, 2004, with the full walk route beginning at Nautica Enter-

tainment Complex in the Flats, follow Washington (north side) to Center Street, turn left onto Center Street (east side), follow to Merwin Avenue, turn left onto Merwin Avenue (south side), walk past Heritage Park which comes into Old River Road, remain on west side of Old River Road until Main Street, cross from west side to east side of Old River Road at Main Street, handicap pick up continue to Front Street, turn right onto Front Street (south side), follow Front to West 9th, turn right onto West 9th (west side), continue to West 9th, turn left onto W. Lakeside Avenue (south side), continue to W. Lakeside, turn left onto West 3rd (east side), rest stop #1 handicap drop off Huntington Park, west 3rd becomes Erieside Avenue, (walk on the inside of the curve), where Erieside turns east to pass the Science Museum and the Rock & Roll Hall of Fame, walk on the north side, follow Erieside to East 9th turn right onto East 9th Street (west side), continue on East 9th until Lakeside, turn right onto Lakeside Avenue (north side), follow Lakeside Avenue until Ontario, turn left onto Ontario (east side), continue on Ontario until Superior, turn left onto Superior (north side), continue on Superior until East 12th, turn right onto East 12th (west side), follow East 18th until Euclid Avenue, turn left onto Euclid Avenue (south side), rest stop #2 at the Firstar Plaza, follow Euclid Avenue (south side) to East 9th, turn left onto East 9th (west side), follow East 9th until Carnegie turn right onto Carnegie (north side), continue to Carnegie until Ontario turn right onto Ontario (east side), follow Ontario to Public Square, walk on the east side of Ontario until you reach Euclid Avenue, cross to the west of Euclid and Ontario continuing on Ontario, go north to Superior turning west (north side) this brings you to the northwest Quadrant of Public Square, rest stop #3, follow Superior to West 6th (north side), turn right onto West 6th (west side), continue on West 6th until Lakeside Avenue, turn left onto Lakeside Avenue (south side), continue on Lakeside Avenue walking under the bridge until West 9th, turn right onto West 9th (north side), follow West 9th until Front Street turn left onto Front Street (north side), follow Front Street down the hill to Old River Road, turn south onto Old River Road (west side), continue walking south to Merwin Avenue past Heritage Park (south side), follow Merwin to Center Street, turn right onto Center Street (east side), continue to Center Street until Washington, turn right onto Washington Street (north side) and follow straight into Nautica; the **short walk** begins at Nautica Entertainment Complex in the Flats, follow Washington (north side) to Center Street, turn left onto Center Street (east side), follow to Merwin Avenue turn left onto Merwin Avenue (south side) walk past Heritage Park which comes into Old River Road remain on west side of Old River Road until Main Street, cross from west side to east side of Old River Road at Main Street handicap pick up, continue to Front Street turn right onto Front Street (south side), follow Front to West 9th, turn right onto West 9th, (west side), continue to West 9th, turn left

onto West Lakeside Avenue (south side), continue to West Lakeside turn left onto West 3rd (east side) rest stop #1 handicap drop off Huntington Park, West 3rd becomes Erieside Avenue, (walk on the inside of the curve), where Erieside turns East to pass the Science Museum and the Rock & Roll Hall of Fame walk on the north side, follow Erieside to East 9th turn right onto East 9th Street (west side), continue on East 9th until Lakeside, turn right onto Lakeside Avenue (north side), follow Lakeside Avenue, continue to Lakeside Avenue walking under the bridge until West 9th, turn right onto West 9th (north side), follow West 9th until Front Street, turn left onto Front Street (north side), follow Front Street down the hill to Old River Road, turn south onto Old River Road (west side), continue walking south to Merwin Avenue past Heritage Park (south side), follow Merwin to Center Street, turn right onto Center Street (east side), continue on Center Street until Washington, turn right onto Washington Street (north side), and follow straight to Nautica, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 598-04.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the March of Dimes Walk, on May 2, 2004, sponsored by the March of Dimes.

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 March of Dimes Walk on May 2, 2004, starting at Jacobs Field, exit onto East 9th Street, head north on East 9th, staying on west side of street, continue north on East 9th Street, crossing Bolivar Road, Prospect Avenue, Euclid Avenue, short Vincent and Superior Avenue, after crossing Superior

Avenue at East 9th, turn right and cross East 9th Street and walk east (on the north side of Superior) to East 12th Street, cross East 12th Street (Charter One Check Point), and turn left (heading north), cross Rockwell, St. Clair Avenue to Lakeside Avenue, cross Lakeside Avenue and turn left (heading west), at Lakeside and East 9th (National City Bank Check Point), turn right and stay on east side of East 9th Street, walk north, crossing Shoreway entrance and exit ramps into Inner Harbor, follow along brick walkway of the Inner Harbor under the Rock-n-Roll Hall of Fame, past the Great Lakes Science Center to Cleveland Browns Stadium, Boulevard Boulevard and Erieside Avenue (Cleveland Browns Check Point), turn left (south) onto Erieside and follow past the east side of Cleveland Browns Stadium around to East 9th Street, turn right on East 9th Street and head south on the west side of East 9th Street to Lakeside Avenue, cross Lakeside Avenue, turn right, head west, cross East 6th to Victory Mall, turn left and proceed through Victory Mall, cross St. Clair and continue through Victory Mall to Rockwell, turn right, follow Rockwell (staying on north side of street) to Ontario, (Key Bank Check Point), at Ontario turn left crossing Rockwell, continue south on Ontario through Public Square, crossing Superior Avenue, Euclid Avenue, Prospect Avenue to Huron Road, cross Huron Road and on south side of street turn left (east), continue on Huron to East 6th Street, turn right onto East 6th Street and follow back into Gateway Complex; 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 599-04.
By Council Members Jackson, Britt, Lewis, Pierce Scott, Cimperman, Cintron, Zone, Westbrook.
An emergency ordinance consenting and approving the issuance of a permit for the 27th RiteAid Marathon and 10K, April 25, 2004, sponsored by Cleveland Marathon, Inc.

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 27th RiteAid Marathon and 10K sponsored by Cleveland Marathon, Inc. on April 25, 2004, with the **Marathon** starting at St. Clair and East 13th Street, St. Clair to East 18th Street, East 18th to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to Al Lerner Way, Al Lerner Way to West 3rd, West 3rd to Lakeside, Lakeside to west bound Shoreway, west bound Shoreway to Edgewater Drive exit, Edgewater Drive to West 117th, West 117th to Lake Avenue, Lake Avenue to Clifton east bound Shoreway entrance, east bound Shoreway to West 45th exit, West 45th to Franklin, Franklin to Fulton, Fulton to Lorain, Lorain to Carnegie, Carnegie to East 14th, East 14th to Euclid, Euclid to East 40th, East 40th to Chester, Chester to Euclid Avenue, Euclid to East Boulevard, East Boulevard to MLK, MLK to N. Marginal, N. Marginal to bike path, bike path through State park, fishing bridge to East 55th, East 55th to S. Marginal, S. Marginal to West 3rd on ramp, West 3rd ramp to West 3rd, West 3rd to Lakeside, Lakeside to West 9th, West 9th to Superior, Superior to West 3rd, West 3rd to Lakeside, Lakeside to East 18th, East 18th to St. Clair, St. Clair to East 12th, finish; **10K** starting at St. Clair & East 13th Street, St. Clair to East 18th, East 18th to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to West 3rd (around stadium), West 3rd to Lakeside, Lakeside to west bound Shoreway on ramp, west bound Shoreway to West 28th exit ramp, West 28th to Detroit, Detroit to West 32nd, West 32nd to Franklin, Franklin to West 28th, West 28th to east bound Shoreway on ramp, east bound Shoreway to Lakeside, Lakeside to East 18th, East 18th to St. Clair, St. Clair to East 12th, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 589-04.

By Council Member Lewis.

An emergency resolution objecting to a New C1 Liquor Permit at 8329 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at CJ S Deli, Inc., 8329 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 1172796; 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 CJ S Deli, Inc., 8329 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 1172796 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 590-04.

By Council Members Brady and Britt.

An emergency resolution commending our troops for their service to the United States and extending Council's sympathy to the families and loved ones of those who have lost their lives or have been wounded in the line of duty in Iraq and Afghanistan.

Whereas, a year has passed since the onset of the war in Iraq; and

Whereas, over 600 American soldiers have given their lives in the service of our country in the Iraq conflict; and

Whereas, over 3000 U.S. service men and women have been severely wounded in the conflict in Iraq; and

Whereas, this Council wishes to acknowledge the bravery and sacrifice of our armed services serving in Iraq and Afghanistan; and

Whereas, this Council hopes and prays for a speedy conclusion to the conflict in Iraq and Afghanistan and for the safe homecoming of our courageous armed forces; 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 commends our troops for their service to the United States and extending Council's sympathy to the families and loved ones of those who have lost their lives or have been wounded in the line of duty in Iraq and Afghanistan.

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

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

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

Res. No. 591-04.

By Council Member Coats.

An emergency resolution objecting to a New C2 Liquor Permit at 18325 Euclid Avenue, Unit #3.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #4, 18325 Euclid Avenue, Unit #3, Cleveland, Ohio 44112, Permanent Number 01007780335; 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 oper-

ated 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 C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #4, 18325 Euclid Avenue, Unit #3, Cleveland, Ohio 44112, Permanent Number 01007780325 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 592-04.

By Council Member Polensek.

An emergency resolution objecting to the stock transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a C1, C2 and D6 Liquor Permit to Park CFM, Inc., DBA Convenient Food Mart, 15428 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 6700191; 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 stock transfer of ownership of a C1, C2 and D6 Liquor Permit to Park CFM, Inc., DBA Convenient Food Mart, 15428 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 6700191; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 593-04.

By Council Member White.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 4025 East 131st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Pinkie Cor-

nell, DBA Speedy's Restaurant, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 1746696 to 4025 East 131st, Inc., DBA Lucky's Market, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 2850894; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Pinkie Cornell, DBA Speedy's Restaurant, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 1746696 to 4025 East 131st, Inc., DBA Lucky's Market, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 2850894; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 201-04.

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

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga and the Ohio Department of Transportation to paint the structural steel on the Main Avenue Bridge over the Cuyahoga River; authorizing the Director of Public Service to enter into any agreements relative to the improvement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Service, Finance; when amended as follows:

1. In Section 5, in division c), line 2, strike "grater" and insert "**greater**". Amendment agreed to.

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

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

Ord. No. 244-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signals, poles, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.

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

1. In Section 1, line 3, strike "or two years".

2. In Section 1, line 13, strike "The Director of Public Service is authorized to enter into one or"; and strike lines 14, 15, 16 and 17 of Section 1 in their entirety.

Amendments agreed to.

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

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

Ord. No. 327-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into amendments to contracts with various contractors to provide right-of-way assessment services, including property appraisals, under existing bridge rehabilitation contracts; and authorizing the Director of Public Service to employ one or more professional consultants to review the property appraisals prepared under the amendments.

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

1. In Section 1, line 4, after "June 15, 1992," insert "**and Ordinance No. 2368-01, passed February 11, 2002,**"; and in line 6, strike "\$31,758.00" and insert "**\$32,000.00**".

2. In Section 2, line 5, strike "\$39,780.00" and insert "**\$40,000.00**".

3. In Section 3, line 5, strike "\$45,025.02" and insert "**\$45,000.00**".

4. In Section 5, line 5, strike "\$31,231.00" and insert "**\$32,000.00**".

5. In Section 8, line 5, strike "\$27,025.00" and insert "**\$33,000.00**".

6. In Section 9, line 3, strike "February 15" and insert "**February 14**"; and in line 5, strike "\$17,308.00" and insert "**\$18,000.00**".

Amendments agreed to.

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

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

Ord. No. 339-04.

By Council Member Jackson. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 61st, 63rd and 66th 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

MOTION

By Council Member Britt, seconded by Council Member White and unanimously carried that the absence of Council Members Merle R. Gordon and Edward W. Rybka, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:43 p.m. to meet on Monday, April 19, 2004 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

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BOARD OF CONTROL

March 31, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 31, 2004, at 10:30 a.m. with Acting Mayor Chandra presiding.

Present: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Absent: Director Fumich.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

Resolution No. 169-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 71-04, adopted February 25, 2004, under the authority of Ordinance No. 1077-02, passed by the Council of the City of Cleveland on June 17, 2002, authorizing a first amendment to City Contract No. 61389 between the City of Cleveland and Mincom, Inc. to extend the term of the contract to the earlier of either the exhaustion of the funds certified to Contract No. 61389 or March 2, 2004, is amended by changing the second and third paragraphs to provide that the first amendment shall extend the term of Contract No. 61389 to expire upon exhaustion of the \$380,000.00 certified to the contract.

Be it further resolved that all other provisions of said Resolution No. 71-04 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Directors Ricchiuto and Fumich.

Resolution No. 170-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Badger Meter, Inc. for an estimated quantity of water meter parts (Item 1) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Twenty-Five Thousand Dollars and 00/100 Cents (\$125,000.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142863 which shall be certified against such contract in the sum of Twenty Thousand Dollars and 00/100 Cents (\$20,000.00).

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

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None. Absent: Directors Ricchiuto and Fumich.

Resolution No. 171-04.

By Director Konicek. Be it resolved by Board of Control of the City of Cleveland that the bid of Hersey Meters Company for an estimated quantity of water meter parts (Item 2) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Five Thousand Dollars and 00/100 Cents (\$5,000.00) (2% Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142864 which shall be certified against such contract in the sum of Two Thousand Five Hundred Dollars and 00/100 Cents (\$2,500.00).

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

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None. Absent: Directors Ricchiuto and Fumich.

Resolution No. 172-04.

By Director Konicek. Be it resolved by the Board of Control of the City of Cleveland that the bid of AMCO Water Metering Systems Inc. for an estimated quantity of water meter parts (Item 6) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hun-

dred Twenty-Five Thousand Dollars and 00/100 Cents (\$125,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142862 which shall be certified against such contract in the sum of Twenty Thousand Dollars and 00/100 Cents (\$20,000.00).

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

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None. Absent: Directors Ricchiuto and Fumich.

Resolution No. 173-04.

By Director Konicek. Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 19, 2003, for an estimated quantity of water meter parts (items 3-5) for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, are hereby rejected.

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None. Absent: Directors Ricchiuto and Fumich.

Resolution No. 174-04.

By Director Mok. Be it resolved by Board of Control of the City of Cleveland that the employment of the following subconsultant by Standard Parking Corporation, under City Contract No. 62471 for services necessary to operate and maintain a shuttle bus system for the transportation of patrons and employees of Cleveland Hopkins International Airport ("Airport") between the Airport's terminal building and its consolidated rental car facility, authorized by Ordinance No. 2029-03, passed on November 10, 2003, is hereby approved.

Subconsultant	Percentage of Contract	Amount
Etna Parking, Inc. (D/MBE)	2.8%	\$75,000.00

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None. Absent: Directors Ricchiuto and Fumich.

Resolution No. 175-04.

By Director Ricchiuto. Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction Company, Inc., for the public improvement of Phase 2 of various district service centers base bid and deduct alternates a and c for the Department of Public Service, received on March 20, 2003, pursuant to the authority of Ordinance No. 2146-03, passed February 9, 2004, for a gross price for the improvement in the aggregate amount of Nine Hundred Seventy Seven Thousand Eight Hundred and no/100 Dollars (\$977,800.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction Company, Inc., is hereby approved:

A & L Sewer Company
MBE — \$78,000 — (7.98%)

Collinwood Concrete
FBE — \$32,760 — (3.35%)

MMI
\$30,000 — (3.07%)

London Road Electric Company
\$135,000 — (13.81%)

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None. Absent: Director Fumich.

Resolution No. 176-04.

By Director Ricchiuto. Be it resolved, by the Board of Control of the City of Cleveland that the bid of John M. Lance Ford, LLC., for an estimated quantity of Ford passenger car parts and labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) year beginning with the date of execution of a contract, received on February 27, 2004, pursuant to the authority of Ordinance No. 1981-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Seven Hundred Eighty Thousand and no/100 Dollars (\$780,000.00) (2% Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130308 which shall be certified against such contract in the sum of Forty Thousand and no/100 Dollars (\$40,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as

may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 177-04.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Emerald Sage Corporation, d.b.a. Aamco Transmissions for an estimated quantity of various vehicle transmissions including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) year beginning with the date of execution of a contract, received on February 27, 2004, pursuant to the authority of Ordinance No. 1974-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Two Hundred Thirteen Thousand Four Hundred Fifty Four and no/100 Dollars (\$213,454.00) (2% 10 Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130309

which shall be certified against such contract in the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00).

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

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 178-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Terrace Construction Company, Inc. for the public improvement of Superior Avenue Streetscape between East 17th Street and the East 30th Street, for the Division of Engineering and Construction, Department of Public Service, received on March 17, 2004, pursuant to the authority of Ordinance No. 867-2000, passed June 19, 2000, upon a unit basis for the improvement, in the aggregate amount of One Million, Seven Hundred Seventy Thousand, Three Hundred Twenty-Five, and 10/100 Dollars (\$1,770,325.10), is affirmed and approved as the lowest responsible bid; and the Director of Public Service is authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractors by Terrace Construction

Company, Inc. for the aforementioned public improvement is approved:

The Vallejo Company, Inc.
(MBE) — \$265,550.00 — (15.00%)

Rockport Construction &
Materials, Inc.
(FBE) — \$88,525.00 — (5.00%)

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 179-04.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to John George and Cindy George, 12704 Longmead Avenue, Cleveland, Ohio 44135, of Ten Thousand Dollars (\$10,000.00).

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 180-04.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1535-03, passed by the

Council of the City of Cleveland on August 20, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to Lenin Guerrero and Robin Hamrick-Guerrero, 12713 Longmead Avenue, Cleveland, Ohio 44135, of Ten Thousand Dollars (\$10,000.00).

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 181-04.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to Mathew Abens, 12700 Longmead, Cleveland, Ohio 44135, of Ten Thousand Dollars (\$10,000.00).

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 182-04.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1535-03 passed by the Council of the City of Cleveland on August 20, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on

August 20, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to James Sabol, 12702 Longmead Avenue, Cleveland, Ohio 44135, of Ten Thousand Dollars (\$10,000.00).

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 183-04.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to David M. Palmer, 12915 Milligan Avenue, Cleveland, Ohio 44135, of Ten Thousand Dollars (\$10,000.00).

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 184-04.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland in order to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to the home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1535-03, passed by the Council of the City of Cleveland on August 20, 2003, this Board of Control hereby approves the amount of the Mortgage Loan to Yvette

Thompson, 12927 Milligan Avenue, Cleveland, Ohio 44135, of Ten Thousand Dollars (\$10,000.00).

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 185-04.

By Director Hudecek.

Whereas, pursuant to the Land Reutilization Program, the City has acquired Permanent Parcel No. 111-01-009 in Ward 9, and

Whereas, Ordinance No. 1709-03, passed by the Council of the City of Cleveland on, October 20, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Resolution No. 661-03, adopted October 29, 2003, authorized the Mayor to execute an official deed for and on behalf of the City of Cleveland with Clara Trotter and Manuel Trotter and fixed the consideration for the parcel at \$11,000.00; and,

Whereas, the City has determined to decrease the portion of Permanent Parcel 111-01-009 to be sold to Clara Trotter and Manuel Trotter to the Westerly portion of the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 661-03, adopted by this Board of Control on October 29, 2003, authorizing the Mayor to execute an official deed for and on behalf of the City of Cleveland with Clara Trotter and Manuel Trotter is amended by adding after "Permanent Parcel No. 111-01-009", (Westerly portion) and reducing the consideration for said parcel from \$11,000.00 to \$7,400.00, 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.

Be it further resolved that all other provisions of said Resolution No. 661-03 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 186-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 121-18-129 (Parcel 2) located at East 100th Street in Ward 6; and

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

Whereas, Fairfax Renaissance Development Corporation, 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 6 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 Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel No. 121-18-129 (Parcel 2) located at East 100th 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: Acting Mayor Chandra, Directors, Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims, 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 stated in the examination announcement.

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

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, APRIL 19, 2004

9:30 A.M.

Calendar No. 04-64: 5000 Pearl Road (Ward 16)

Myron Kaplan, owner, appeals to construct a one-story 50' x 160' accessory storage building on an irregular shaped acreage parcel located in split zoning between a Semi-Industry District and a General Industry District on the west side of Pearl Road at 5000 Pearl Road; subject to the provisions in Section 359.01 for Nonconforming Uses, the expansion of a vehicle wrecking yard and uses is not permitted in a Semi-Industry District but first permitted in a General Industry District and requires the Board of Zoning Appeals approval for an expansion of nonconforming use, and contrary to Section 347.06(a) in Specific Uses Regulated, a 6' high fence with slats is proposed and a wrecking yard shall have a minimum 7' high solid masonry wall or slightly solid non-transparent, well-maintained, substantial fence; and there is no landscaping strip proposed where a 10' wide landscaping strip with 75% year-round opacity is required between the General Industry use and the abutting Two-Family District as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 04-65: 14129 Puritas Avenue (Ward 20)

Coral Puritas Partnership, owner, appeals to construct a 110' x 70' one-story retail building on a 110' x 150' parcel in a General Retail Business District on the south side of Puritas Avenue at 14129 Puritas Avenue; contrary to Section 343.18 of the Business Districts Regulations, a proposed driveway apron on the northwest corner is 2' from the property line and at the southeast corner is 12' from the property line, and a distance of 15' from the property line is required; and contrary to Section 352.10 of the Requirements for Landscaping and Screening, a 4' wide landscaping strip is proposed where a 6' width is required along Puritas Avenue between the street and the parking lot, and there is no transition strip proposed along the west side of the lot between the General Retail District and the Two-Family District, where a 10' wide transition strip is required as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 04-66: 3140 West 98th Street (Ward 18)

Gerald Zahler, d.b.a. Mutual Properties, owner, appeals to construct a 5,119 s/f addition to the north side of an existing one-story retail building, situated on an acreage parcel in a General Retail Business District on the northwest corner of West 98th Street and Lorain Avenue; contrary to the Yards and Courts Regulations, the proposed addition is within the front setback and no portion of a building shall be erected within the specific 10' front setback as stated in Section 357.07(a) of the Codified Ordinances.

Calendar No. 04-57: 4856 Lee Road (Ward 1)

Lee Heights Community Church c/o Reverend Vern Miller, owner, appeals to maintain a 12' x 60' construction trailer on an approximate 169' x 250' irregular shaped vacant lot for the use of food storage and distribution, situated in a One-Family District on the west side of Lee Road at 4856-4878 Lee Road; contrary to Section 337.02(f)(3)(G) of the Residential District Regulations the proposed use by a charitable institution must be approved by the Board of Zoning Appeals and located not less than a distance of 30' from other premises not used for a similar purpose and contrary to the Off-Street Parking and Loading Requirements, a gravel lot is proposed where vehicle maneuvering areas and parking spaces must be paved and properly graded for drainage, so that all water is drained within the lot as stated in Section 349.07(a) of the Codified Ordinances.

Calendar No. 03-252: 4856 Lee Road (Ward 1)

Lee Heights Community Church, owner, and Reverend Vern Miller appeal to install approximately 592 linear feet of 4' high chain link fencing at the front and at the north and south sides of an approximate 169' x 250' irregular shaped parcel located in a One Family District on the west side of Lee Road and Highview Avenue at 4856 Lee Road; said installation of chain link fencing being contrary to the Fence Regulations, where in a residential district only ornamental fence is permitted in the actual front and actual side street yards as stated in Section 358.04(c)(1) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, APRIL 5, 2004

At the meeting of the Board of Zoning Appeals on Monday, April 5, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-60: 3885 Rocky River Drive

Westside Medical Center, LLC, owner, and Fifth Third Bank, prospective purchaser, appealed to erect a 4,116 s/f one-story bank building with drive through lanes and an accessory parking lot in a Local Retail Business District.

Calendar No. 04-42: 1406-20 East 49th Street

Ohio Diesel Technical Institute appealed to erect 150 l/f of 6' high chain link fence and a 14' gate along the front of a 150' x 141' vacant parcel in a Multi-Family District.

The following appeal was **Denied:**

Calendar No. 04-56: 5016 Duke Avenue

Alex Gordon appealed from being denied an Application for a Street Opening Permit by the Director of Public Service on March 3, 2004 to allow removal of pavement and create a curb cut.

The following appeals were **Postponed:**

Calendar No. 04-55: 10721-23 St. Clair Avenue postponed to April 26, 2004.

Calendar No. 04-58: 3507 Carnegie Avenue postponed to April 26, 2004.

The following appeal was **Dismissed:**

Calendar No. 04-32: 3200-04 West 32nd Street

International Church of the Four Square Gospel appealed to construct a parking lot for twelve parking spaces on a corner lot in a Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 04-33: 4277 West 150th Street

Boykin Cleveland LLC appealed to erect a 16' x 40' freeway interchange sign in the existing northeast parking lot area of the Cleveland Airport Marriott Hotel in a General Retail Business District and a One-Family District.

On Monday, April 5, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, March 29, 2004, and said decisions were approved and adopted in Executive Session on Monday, April 5, 2004:

The following appeal was **Approved:**

Calendar No. 04-53: 18501 Neff Road

Tops Markets, LLC, appealed to erect a service station on the parking area of a supermarket site in a Local Retail Business District.

The following appeals were **Denied:**

Calendar No. 04-50: 11604 Governor Avenue

George M. Greenawalt appealed to erect an 18' high, 26.8' x 25.4' garage addition to the east side of a one family dwelling in a Local Retail Business District.

Calendar No. 04-51: Appeal of Aziz Anod — Hack License Suspension

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

Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, April 21, 2004
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, April 21, 2004, at 1:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 215-A-04. (As a substitute for Ord. No. 215-04).

By Council Member Zone.
An ordinance to change the zoning of parcels along W. 79th Street between Ferrell Avenue and Madison Avenue from a General Industry Use District to a Multi-Family Residential Use District and a Parking District and from a "B" Area to an "E" Area (Map Change No. 2112, Sheet No. 1).

Ord. No. 544-04.

By Council Member Lewis.
An ordinance to change the zoning of parcels along Hough Avenue between East 65th Street and East 71st Street from Local Retail Business Use Districts to Single Family Residential Use Districts and a Multi-Family Residential Use District; from "B," "C," and "D" Area Districts to "A" Area Districts and from "2" Height Districts to "1" Height Districts (Map Change No. 2121, Sheet No. 5).

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

April 7, 2004 and April 14, 2004

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office

of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, APRIL 14, 2004

2004 Summer Food Program (Breakfasts, Lunches & Snacks), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2043-03, passed by the Council of the City of Cleveland, December 1, 2003.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, APRIL 8, 2004 AT 11:30 A.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.

Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2043-03, passed by the Council of the City of Cleveland, December 1, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, APRIL 8, 2004 AT 12:30 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.

March 31, 2004 and April 7, 2004

THURSDAY, APRIL 22, 2004

Meters and Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, APRIL 15, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Harvard Yards Facility Improvements Building #4 Renovation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 833-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, APRIL 13, 2004 AT 2:00 P.M., HARVARD YARDS FACILITY, 4150 EAST 49TH STREET, CUYAHOGA HEIGHTS, OHIO 44105.

March 31, 2004 and April 7, 2004

FRIDAY, APRIL 23, 2004

Building Materials and Used Paved Bricks, for various divisions of the Department of Finance, as authorized by Ordinance Nos. 887-03 and 466-04, passed by the Council of the City of Cleveland, June 2, 2003 and pending.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, APRIL 8, 2004 AT 2:30 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM #514, CLEVELAND, OHIO 44114.

March 31, 2004 and April 7, 2004

WEDNESDAY, APRIL 21, 2004

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation, and Properties, as authorized by Ordinance No. 330-04, passed by the Council of the City of Cleveland, pending.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, APRIL 15, 2004 AT 12:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM 8, CLEVELAND, OHIO 44114.

April 7, 2004 and April 14, 2004

FRIDAY, APRIL 23, 2004

Steel Receptables Lids with Flexible Steel Cable Attachment, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 1257-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, APRIL 16, 2004 AT 3:00 P.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

Electrical Motors & Pumps, Including Attachments, Parts, and Materials Necessary to Repair Electric Motors & Pumps, for the Division of Property Management, Department of Parks, Recreation, and

Properties, as authorized by Ordinance No. 1889-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, APRIL 15, 2004 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 44105.

April 7, 2004 and April 14, 2004

WEDNESDAY, MAY 5, 2004

Nottingham Water Works Plant Flocculation/Sedimentation/Residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 323-04 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, THURSDAY, APRIL 15, 2004, AT 1:00 P.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 7, 2004 and April 14, 2004

**ADOPTED RESOLUTIONS
AND ORDINANCES**

**Res. No. 548-04.
By Council Members Westbrook
and Sweeney.**

An emergency resolution supporting the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) by the U.S. Congress and urging Congress to fund the reauthorization bill at no less than \$318 billion.

Whereas, the U.S. Congress has not completed its work to reauthorize federal transportation programs and policies necessary to improve our nation's mobility; and

Whereas, reauthorizing federal transportation programs is essential to improve our nation's economy because transportation infrastructure is the system through which consumers and commerce flow in and through our nation's cities and regions; and

Whereas, reauthorizing federal transportation programs will save and create jobs; and

Whereas, the longer Congress debates TEA-21, the greater the risk that transportation projects and programs currently underway will either slow down or stop, jeopardizing existing jobs and the creation of new ones; and

Whereas, reauthorizing federal transportation programs pay for themselves because federal gas tax revenues collected at the pump help pay the bill; and

Whereas, reauthorizing federal transportation programs will help reduce roadway congestion that pollutes our environment and steals peoples' time from more productive activities at home, work, and play; and

Whereas, reauthorizing federal transportation programs is an investment in homeland security because our nation's transportation systems help move people out of harm's way and transport emergency personnel where needed; and

Whereas, the City of Cleveland, as well as cities and towns across our nation desire a six-year rather than a two-year bill because transportation projects require long-term planning and funding stability that, in turn, helps ensure cost effective projects; and

Whereas, Congress must build on the legacy of the Transportation Equity Act for the 21st Century ("TEA-21"), and improve the long-term funding and program flexibility of federal transportation programs and policies at the state and local levels; and

Whereas, the reauthorizing federal transportation programs are essential to improving and maintaining Cleveland's local transportation infrastructure which is vital to consumers and commerce flowing in and about the Northeast Ohio region; and

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

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

Section 1. That this Council hereby supports the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) by the U.S. Congress and urges Congress to fund the reauthorization bill at no less than \$318 billion.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the members of the Ohio U.S. House of Representatives House Transportation & Infrastructure Committee: Steven C. LaTourette and Robert W. Ney and U.S. Representatives Stephanie Tubb-Jones, Dennis Kucinich and Sherrod Brown.

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 March 29, 2004.

Effective April 5, 2004.

**Res. No. 549-04.
By Council Member Brady.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit at 13501 Lakewood Heights Boulevard.**

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 Stop N Save, Inc., DBA Mimi Mini Market, 1st Floor N/S only, 13501 Lakewood Heights Boulevard, Cleveland, Ohio 44111, Abedel Dayem, Permanent Number 86165290005 to Hajnaj, Inc., DBA Stop N Stop, 1st Floor N/S only, 13501 Lakewood Heights Boulevard, Cleveland, Ohio 44111, Permanent Number 3505178; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Stop N Save, Inc., DBA Mimi Mini Market, 1st Floor N/S only, 13501 Lakewood Heights Boulevard, Cleveland, Ohio 44111, Abedel Dayem, Permanent Number 86165290005 to Hajnaj, Inc., DBA Stop N Stop, 1st Floor N/S only, 13501 Lakewood Heights Boulevard, Cleveland, Ohio 44111, Permanent Number 3505178; 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 March 29, 2004.

Effective April 5, 2004.

Res. No. 550-04.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 2255 Hamilton Avenue and repealing Resolution No. 1626-02, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 2255 Hamilton Avenue by Resolution No. 1626-02 adopted by the Council on August 14, 2002; 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 D1, D2, D3 and D3A Liquor Permit to 2255 Hamilton Corporation, 2255 Hamilton Avenue, Cleveland, Ohio 44114, Permanent Number 9115381 be and the same is hereby withdrawn and Resolution No. 1626-02, 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 March 29, 2004.

Effective April 5, 2004.

Res. No. 551-04.

By Council Member Polensek.

An emergency resolution objecting to a New C2 Liquor Permit at 15222 Waterloo Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Tap Investments, LLC, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 87987000125; 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 C2 Liquor Permit at Tap Investments, LLC, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 87987000125 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 March 29, 2004.

Effective April 5, 2004.

Res. No. 552-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 12408 Union Avenue and repealing Resolution No. 1901-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 12408 Union Avenue by Resolution No. 1901-03 adopted by the Council on September 29, 2003; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Ashlex, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, Permanent Number 0296801 be and the same is hereby withdrawn and Resolution No. 1901-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted March 29, 2004.

Effective April 5, 2004.

Res. No. 553-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 9901-03 Union Avenue and repealing Resolution No. 1688-02, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 9901-03 Union Avenue by Resolution No. 1688-02 adopted by the Council on August 14, 2002; 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 Fadis Market, Inc., 9901-03 Union Avenue, Cleveland, Ohio 44105, Permanent Number 2599989 be and the same is hereby withdrawn and Resolution No. 1688-02, 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 March 29, 2004.

Effective April 5, 2004.

Ord. No. 1062-2000.
By Councilmen Jackson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2243 East 73rd Street to Wilbert J. Abernathy, Jr.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-24-101, as more fully described in Section 2 below, to Wilbert J. Abernathy, Jr.

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. 118-24-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 23 in H.C. Sterling's Subdivision of part of the Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 73rd Street (formerly Benton Avenue), and extending back 143 feet 3 inches on the Southerly line, 113 feet 3-1/8 inches on the Northerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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 Cleve-

land. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed March 29, 2004.

Effective April 5, 2004.

Ord. No. 775-03.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7717 Sagamore Avenue to Barry and Sarita A. King.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-003 (Southeasterly part of) and 118-09-112, as more fully described below, to Barry and Sarita A. King.

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

P. P. No. 118-09-003

(Southeasterly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 21, 22 and 23 and part of Parcel A in the G.M. Spangler's Subdivision of Original One Hundred Acre Lot Nos. 339 and 342, as shown by the recorded plat in Volume 24, Page 22 and bounded and described as follows:

Commencing at a 1" iron pin found in a monument box found at the intersection of East 79th Street (50 feet wide) and Sagamore Avenue (40 feet wide) on the right of way of East 79th Street (50 feet wide);

Thence North 80° 27' 43" West, a distance of 154.85 feet to a point in the centerline of Sagamore Avenue (40 feet wide);

Thence North 09° 47' 52" East, 20 feet to a drill hole set on the North right-of-way of Sagamore Avenue

(40 feet wide). Thence continuing on 66.74 feet the Southeast corner of Block A this being the principle place of beginning;

Thence North 80° 24' 43" West, a distance of 76.67 feet to the North-west corner of Sublot No. 22;

Thence North 09° 47' 52" East, a distance of 43.74 feet to a 5/8 inch iron pin set;

Thence South 80° 47' 06" East, a distance of 76.76 feet to a 5/8 inch iron pin set on the West line of parcel A;

Thence South 09° 47' 52" West, a distance of 43.74 feet to the principal place of beginning;

Containing 3353.5457 square feet of 0.0770 acres and coinciding with the survey performed by Bemba K. Jones, P.S. and Associates, Inc. State of Ohio Professional Surveyor, Registration number 7343. Date of Survey, the 11th day of June 2003.

P. P. No. 118-09-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in George M. Spangler's Subdivision of part of Original One Hundred Acre Lots Nos. 339 and 342, as shown by the recorded plat in Volume 24 of Maps, Page 22 of Cuyahoga County Records, and being 33-34/100 feet front on the Northerly side of Sagamore Street (now known as Sagamore Avenue, N.E.) 66-55/100 feet deep on the Easterly line, 66-37/100 feet deep on the West-erly line and 33-34/100 feet 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 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed March 29, 2004.

Effective April 5, 2004.

**Ord. No. 778-03.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5704 Utica Avenue to Ella J. Redeemen.**

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-20-071, as more fully described below, to Ella J. Redeemen.

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

P. P. No. 104-20-071

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. 340, and bounded and described as follows:

Beginning on the Southerly line of Utica Avenue, N.E., (formerly Willson Place) at a point 334 feet Easterly measured along said Southerly line, from its intersection with the Easterly line of East 55th Street (formerly Willson Avenue); thence Easterly along the Southerly line of Utica Avenue, N.E., 33 feet; thence Southerly parallel with the Easterly line of East 55th Street, 60 feet; thence Westerly parallel with the Southerly line of Utica Avenue, N.E., 33 feet; thence Northerly parallel with the Easterly line of East 55th Street, 60 feet to the place of beginning.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Passed March 29, 2004.
Effective April 5, 2004.

**Ord. No. 2156-03.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Outhwaite Avenue to Maurie L. Nunn.**

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 124-03-049 and 124-03-050, as more fully described below, to Maurie L. Nunn.

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

P. P. No. 124-03-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 10 in Samuel Foljambe's Re-Subdivision of part of Bomford's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 3 of Maps, Page 19 of Cuyahoga County Records. Said Sublot No. 10 has a frontage of 35 feet on the Northerly side of Outhwaite Avenue, S.E. and extends back of equal width 127 feet, be the same more or less, but subject to all legal highways.

P. P. No. 124-03-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Samuel Foljambe's Subdivision

of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 3 of Maps, Page 19 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Outhwaite Avenue, S.E. and extending back between parallel lines 127 feet along the Easterly line of East 56th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed March 29, 2004.
Effective April 5, 2004.

**Ord. No. 2246-03.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on La Grange Avenue to Rose Stewart.**

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-085, as more fully described below, to Rose Stewart.

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

P. P. No. 118-09-085
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 5 feet 10 inches of Sublot No. 18 and the Easterly 29 feet 2 inches of Sublot No. 19 in Walworth and Porter's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records, and being 35 feet front on the Northerly side of LaGrange Avenue (formerly LaGrange Street), and extending back

of equal width 133.48 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed March 29, 2004.
 Effective April 5, 2004.

Ord. No. 115-04.

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, 2004.

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, 2004, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Sixty Seven Million One Hundred Forty Four Thousand Six Hundred Forty Six Dollars (\$467,144,646) from the General Fund;

The sum of Fifty Seven Million Forty Three Thousand Nine Hundred Seventy Two Dollars (\$57,043,972) from the Special Revenue Funds;

The sum of Twenty Two Million Five Hundred Fifty Seven Thousand Five Hundred Thirty Six Dollars (\$22,557,536) from the Internal Service Funds;

The sum of Five Hundred Ninety Two Million Four Hundred Eighty Three Thousand Five Hundred Sixty Five Dollars (\$592,483,565) from the Enterprise Funds;

The sum of Eight Million Eight Hundred Seventy Seven Thousand Eight Hundred Five Dollars (\$8,877,805) from the Trust and Agency Funds;

The sum of Fifty Four Million Four Hundred Nine Thousand Twenty Three Dollars (\$54,409,023) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 115-04-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2004

GENERAL FUND

Legislative Branch	\$ 5,579,211
Municipal Court	\$ 32,235,349
Executive Branch	
Office of the Mayor	2,207,783
Department of Public Safety	268,224,122
Community Relations Board	913,344
Department of Consumer Affairs	315,424
Department of Public Service	34,338,359
Department of Parks, Recreation & Properties	35,269,173
Urban Planning & Development	16,837,878
Department of Public Health	11,785,690
Department of Aging	423,592
Support Functions	37,330,563
Transfers to Other Funds	21,684,158
TOTAL EXECUTIVE BRANCH	\$ 429,330,086
TOTAL GENERAL FUND	\$ 467,144,646
Special Revenue Funds	\$ 57,043,972
Internal Service Funds	22,557,536
Enterprise Funds	592,483,565
Trust and Agency Funds	8,877,805
Debt Service Funds	54,409,023
TOTAL APPROPRIATIONS FOR 2004	\$1,202,516,547

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,579,211
I. Personnel and Related Expenses	\$4,300,309	
II. Other Expenses	1,278,902	
TOTAL LEGISLATIVE BRANCH		\$5,579,211

MUNICIPAL COURT

Municipal Court - Judicial Division		\$19,594,694
I. Personnel and Related Expenses	\$17,289,419	
II. Other Expenses	2,305,275	
Municipal Court - Housing Division		\$2,785,396
I. Personnel and Related Expenses	\$2,651,084	
II. Other Expenses	134,312	
Municipal Court - Clerk's Division		\$9,855,259
I. Personnel and Related Expenses	\$7,928,385	
II. Other Expenses	1,926,874	
TOTAL MUNICIPAL COURT		\$32,235,349

EXECUTIVE BRANCH

Office of the Mayor		\$2,207,783
I. Personnel and Related Expenses	\$1,958,137	
II. Other Expenses	249,646	
TOTAL EXECUTIVE BRANCH		\$2,207,783

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,923,448
I. Personnel and Related Expenses	\$2,577,240	
II. Other Expenses	346,208	
Division of Police		\$168,151,166
I. Personnel and Related Expenses	\$157,657,362	
II. Other Expenses	10,493,804	
Division of Fire		\$76,129,643
I. Personnel and Related Expenses	\$73,371,570	
II. Other Expenses	2,758,073	
Division of Emergency Medical Services		\$20,161,824
I. Personnel and Related Expenses	\$18,578,701	
II. Other Expenses	1,583,123	
Division of Dog Pound		\$858,041
I. Personnel and Related Expenses	\$729,953	
II. Other Expenses	128,088	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$268,224,122

COMMUNITY RELATIONS BOARD

Community Relations Board		\$913,344
I. Personnel and Related Expenses	\$814,415	
II. Other Expenses	98,929	
TOTAL COMMUNITY RELATIONS BOARD		\$913,344

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$315,424
I. Personnel and Related Expenses	\$230,289	
II. Other Expenses	85,135	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		<u>\$315,424</u>

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$517,582
I. Personnel and Related Expenses	\$503,903	
II. Other Expenses	13,679	
Division of Architecture		\$680,858
I. Personnel and Related Expenses	\$654,268	
II. Other Expenses	26,590	
Division of Waste Collection and Disposal		\$24,769,957
I. Personnel and Related Expenses	\$14,716,028	
II. Other Expenses	10,053,929	
Division of Engineering and Construction		\$4,828,989
I. Personnel and Related Expenses	\$4,532,341	
II. Other Expenses	296,648	
Division of Traffic Engineering		\$3,540,973
I. Personnel and Related Expenses	\$2,585,676	
II. Other Expenses	955,297	
TOTAL DEPARTMENT OF PUBLIC SERVICE		<u>\$34,338,359</u>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$721,314
I. Personnel and Related Expenses	\$566,607	
II. Other Expenses	154,707	
Division of Research, Planning, and Development		\$721,830
I. Personnel and Related Expenses	\$668,125	
II. Other Expenses	53,705	
Division of Recreation		\$11,575,795
I. Personnel and Related Expenses	\$8,435,024	
II. Other Expenses	3,140,771	
Division of Parking Facilities-On Street		\$1,118,106
I. Personnel and Related Expenses	\$1,085,597	
II. Other Expenses	32,509	
Division of Property Management		\$8,138,755
I. Personnel and Related Expenses	\$6,010,740	
II. Other Expenses	2,128,015	
Division of Park Maintenance and Properties		\$12,993,373
I. Personnel and Related Expenses	\$8,746,910	
II. Other Expenses	4,246,463	
TOTAL PARKS, RECREATION, AND PROPERTIES		<u>\$35,269,173</u>

URBAN PLANNING AND DEVELOPMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$802,383
I. Personnel and Related Expenses	\$697,383	
II. Other Expenses	105,000	
Director's Office		\$239,647
I. Personnel and Related Expenses	\$239,647	
Division of Neighborhood Development		\$862,226
I. Personnel and Related Expenses	\$662,226	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$420,783
I. Personnel and Related Expenses	\$420,783	
TOTAL COMMUNITY DEVELOPMENT		\$2,325,039

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir. Office		\$2,098,165
I. Personnel and Related Expenses	\$1,700,669	
II. Other Expenses	397,496	
Division of Code Enforcement		\$6,714,495
I. Personnel and Related Expenses	\$6,482,018	
II. Other Expenses	232,477	
Division of Construction Permit		\$1,619,430
I. Personnel and Related Expenses	\$1,597,730	
II. Other Expenses	21,700	
TOTAL BUILDING AND HOUSING		\$10,432,090

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$169,605
I. Personnel and Related Expenses	\$162,531	
II. Other Expenses	7,074	
Board of Building Standards and Appeals		\$106,103
I. Personnel and Related Expenses	\$93,265	
II. Other Expenses	12,838	
Board of Zoning Appeals		\$284,870
I. Personnel and Related Expenses	\$270,168	
II. Other Expenses	14,702	
Total Regulatory Boards		\$560,578

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,127,280
I. Personnel and Related Expenses	\$1,069,634	
II. Other Expenses	57,646	
Total Department of Economic Development		\$1,127,280
Office of Equal Opportunity		\$900,962
I. Personnel and Related Expenses	\$865,829	
II. Other Expenses	35,133	
City Planning Commission		\$1,491,929
I. Personnel and Related Expenses	\$1,429,996	
II. Other Expenses	61,933	
TOTAL URBAN PLANNING AND DEVELOPMENT		\$16,837,878

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$733,141
I. Personnel and Related Expenses	\$632,544	
II. Other Expenses	100,597	
Division of Correction		\$6,256,540
I. Personnel and Related Expenses	\$4,912,728	
II. Other Expenses	1,343,812	
Division of Health		\$3,241,738
I. Personnel and Related Expenses	\$2,431,284	
II. Other Expenses	810,454	
Division of Environment		\$1,124,740
I. Personnel and Related Expenses	\$902,151	
II. Other Expenses	222,589	
Division of Air Quality		\$429,531
I. Personnel and Related Expenses	\$106,643	
II. Other Expenses	322,888	
TOTAL DEPARTMENT OF PUBLIC HEALTH		<u>\$11,785,690</u>

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$423,592
I. Personnel and Related Expenses	\$354,734	
II. Other Expenses	68,858	
TOTAL DEPARTMENT OF AGING		<u>\$423,592</u>

SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$705,082
I. Personnel and Related Expenses	\$653,380	
II. Other Expenses	51,702	
Division of Accounts		\$1,394,846
I. Personnel and Related Expenses	\$983,075	
II. Other Expenses	411,771	
Division of Assessments and Licenses		\$1,430,409
I. Personnel and Related Expenses	\$1,258,247	
II. Other Expenses	172,162	
Division of Treasury		\$510,568
I. Personnel and Related Expenses	\$444,773	
II. Other Expenses	65,795	
Division of Purchases and Supplies		\$606,843
I. Personnel and Related Expenses	\$508,401	
II. Other Expenses	98,442	
Bureau of Internal Audit		\$652,917
I. Personnel and Related Expenses	\$395,852	
II. Other Expenses	257,065	
Division of Financial Reporting and Control		\$1,323,843
I. Personnel and Related Expenses	\$1,106,316	
II. Other Expenses	217,527	
Information Technology and Services		\$2,851,013
I. Personnel and Related Expenses	\$1,999,756	
II. Other Expenses	851,257	
Information Tech & Planning		\$221,740
I. Personnel and Related Expenses	\$221,490	
II. Other Expenses	250	
TOTAL DEPARTMENT OF FINANCE		<u>\$9,697,261</u>

Office of Budget & Management-Budget Admin.		\$586,329
I. Personnel and Related Expenses	\$574,450	
II. Other Expenses	11,879	

Department Law		\$7,684,436
I. Personnel and Related Expenses	\$6,099,651	
II. Other Expenses	1,584,785	

TOTAL FINANCE AND LEGAL ADMINISTRATION		<u>\$17,968,026</u>
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PERSONNEL ADMINISTRATION

Office of Personnel		\$1,530,612
I. Personnel and Related Expenses	\$1,273,147	
II. Other Expenses	257,465	

Civil Service Commission		\$757,940
I. Personnel and Related Expenses	\$585,423	
II. Other Expenses	172,517	

TOTAL PERSONNEL ADMINISTRATION		<u>\$2,288,552</u>
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NONDEPARTMENTAL

County Auditor Deductions		\$1,043,000
II. Other Expenses	\$1,043,000	

Other Administrative		\$16,030,985
II. Other Expenses	\$16,030,985	

TOTAL NONDEPARTMENTAL		<u>\$17,073,985</u>
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TOTAL SUPPORT FUNCTIONS		<u>\$37,330,563</u>
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Transfers To Other Funds		\$21,684,158
II. Other Expenses	\$21,684,158	

TOTAL GENERAL FUND		<u>\$467,144,646</u>
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SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$32,760,472
I. Capital	\$12,760,472	
II. Debt Service	20,000,000	

Street Construction, Maintenance & Repair Fund		\$22,283,500
I. Personnel and Related Expenses	\$15,151,580	
II. Other Expenses	7,131,920	

Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	

TOTAL SPECIAL REVENUE FUNDS		<u>\$57,043,972</u>
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INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$5,838,110
I. Personnel and Related Expenses	\$1,015,791	
II. Other Expenses	4,822,319	

Division of Motor Vehicle Maintenance		\$14,179,193
I. Personnel and Related Expenses	\$6,116,817	
II. Other Expenses	8,062,376	
Division of Printing and Reproduction		\$1,609,360
I. Personnel and Related Expenses	\$757,753	
II. Other Expenses	851,607	
City Storeroom and Central Warehouse		\$930,873
I. Personnel and Related Expenses	\$83,845	
II. Other Expenses	847,028	
TOTAL INTERNAL SERVICE FUNDS		\$22,557,536

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,663,996
I. Personnel and Related Expenses	\$1,179,560	
II. Other Expenses	484,436	
Radio		\$2,359,923
I. Personnel and Related Expenses	\$153,892	
II. Other Expenses	2,206,031	
Division of Fiscal Control		\$2,936,558
I. Personnel and Related Expenses	\$2,668,868	
II. Other Expenses	267,690	
Division of Water		\$241,542,714
I. Personnel and Related Expenses	\$80,137,459	
II. Other Expenses	161,405,255	
Division of Water Pollution Control		\$24,686,971
I. Personnel and Related Expenses	\$9,148,262	
II. Other Expenses	15,538,709	
Division of Cleveland Public Power		\$149,799,768
I. Personnel and Related Expenses	\$27,357,201	
II. Other Expenses	122,442,567	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$422,989,930

DEPARTMENT OF PORT CONTROL

Airports - Operations		\$138,464,634
I. Personnel and Related Expenses	\$23,407,956	
II. Other Expenses	115,056,678	
TOTAL DEPARTMENT OF PORT CONTROL		\$138,464,634

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$1,969,710
I. Personnel and Related Expenses	\$1,597,757	
II. Other Expenses	371,953	
Golf Course Fund		\$2,398,416
I. Personnel and Related Expenses	\$1,306,513	
II. Other Expenses	1,091,903	

Division of Parking Facilities-Off Street Parking		\$8,578,487
I. Personnel and Related Expenses	\$1,271,999	
II. Other Expenses	7,306,488	
Division of Convention Center		\$6,400,000
I. Personnel and Related Expenses	\$3,497,704	
II. Other Expenses	2,902,296	
Division of Convention Center & Stadium-West Side Market		1,104,611
I. Personnel and Related Expenses	\$452,195	
II. Other Expenses	652,416	
Division of Convention Center & Stadium-Stadium		\$10,500,000
II. Other Expenses	\$10,500,000	
Division of Property Management - East Side Market		\$77,777
I. Personnel and Related Expenses	\$54,676	
II. Other Expenses	23,101	
TOTAL PARKS, RECREATION, & PROPERTIES		<u>\$31,029,001</u>
TOTAL ENTERPRISE FUNDS		<u>\$592,483,565</u>
AGENCY FUND		
Central Collection Agency		\$8,877,805
I. Personnel and Related Expenses	\$5,954,460	
II. Other Expenses	2,923,345	
TOTAL AGENCY FUND		<u>\$8,877,805</u>
DEBT SERVICE FUND		
Sinking Fund Commission		\$54,409,023
I. Personnel and Related Expenses	\$150,573	
II. Other Expenses	403,824	
III. Debt Service	53,854,626	
TOTAL DEBT SERVICE FUNDS		<u>\$54,409,023</u>

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 115-04-A, 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 said detail. Any unencumbered balance in an appropriation fund at the close of the year 2003 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2004 or prior years. The Mayor's Estimate File No. 115-04-A as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2004 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 hereby 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 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 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed March 29, 2004.

Effective March 30, 2004.

Ord. No. 164-04.**By Council Member Coats.**

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 115-08-078, as more fully described below, to Beulah Baptist Church.

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

P. P. No. 115-08-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 104 in W.F. Walworth's Subdivision of a part of Original Euclid Township Tract No. 16 as shown by the recorded plat in Volume 8 of Maps, Page 6 of Cuyahoga County Records and being 40 feet front on the Southerly side of Cardinal Avenue, N.E., and extending back of equal width 140 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of

Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed March 29, 2004.

Effective April 5, 2004.

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

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-35-033, as more fully described below, to Ohio City Near West Development Corporation or designee.

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

P. P. No. 002-35-033

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

appears by said plat, be the same more or less, but subject to all legal highways.

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

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed March 29, 2004.

Effective April 5, 2004.

Ord. No. 251-04.**By Council Members Gordon and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Community Development to apply and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to enter into one or more contracts with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance 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 Community Development is authorized to apply for and accept a

grant in the approximate amount of \$2,753,605.00 from the State of Ohio Department of Development, to conduct the State Home Weatherization Assistance Program and to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors and various non-profit organizations for the provision of weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

Section 3. That the cost of the contracts shall not exceed, in the aggregate, the total amount of the grant accepted in Section 1, and shall be paid from the fund or funds that are credited the grant proceeds accepted under this ordinance.

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 March 29, 2004.
Effective April 5, 2004.

Ord. No. 253-04.

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

An emergency ordinance authorizing the Director of the City Planning Commission to employ one or more professional consultants to study transportation and design issues on Fleet Avenue; and authorizing an agreement with the Shaker Square Area Development Corporation to cooperate in the cost of this 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 the City Planning Commission 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 study transportation and design issues on Fleet Avenue.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of the City Planning Commission from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of the City Plan-

ning Commission 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 the City Planning Commission, and certified by the Director of Finance.

Section 2. That the Director of the City Planning Commission is authorized to enter into an agreement with the Shaker Square Area Development Corporation to cooperate in the cost by contributing up to \$10,000 to the City of Cleveland for this project, and those funds are appropriated for this purpose.

Section 3. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 412, 20 SF 456, and from the fund or funds which are credited the money received from the Shaker Square Area Development Corporation for this purpose, Request No. 112332.

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 March 29, 2004.
Effective April 5, 2004.

Ord. No. 334-04.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for the expansion of Roberto Clemente Park for the Department of Parks, Recreation and Properties.

Whereas, the Director of Parks, Recreation and Properties has requested the purchase of property necessary for the expansion of Roberto Clemente Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for the expansion of Roberto Clemente Park:

P. P. No. 007-18-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 44 feet of Sublot Nos. 489, 490 and 491 in Hiram Stone's Addition of part of Original Brooklyn Township Lot Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and together

forming a parcel of land 44 feet front on the Easterly side of West 38th Street (formerly Clifford Street) and extending back of equal width along the Southerly side of Wade Avenue S.W. 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

2839 West 38th Street

P. P. No. 007-18-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 460 in Hiram Stone's Addition Subdivision of part of Original Brooklyn Township Lot Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Seymour Avenue, and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

3746-48-50 Seymour Avenue

P. P. No. 007-18-061 and 007-18-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 44 feet of Sublot Nos. 489, 490 and 491 in Hiram Stone's Addition of part of Original Brooklyn Township Lot Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and together forming a parcel of land 44 feet front on the Easterly side of West 38th Street (formerly Pollock Street) and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

2857 West 38th Street

P. P. No. 007-18-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 44 feet of the Southerly 88 feet of Sublot Nos. 489, 490 and 491 in Hiram Stone's Allotment of part of Original Brooklyn Township Lot Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 42 of Cuyahoga County Records together forming a parcel of land 44.00 feet front on the Easterly side of West 38th Street and extending back of equal width 150.00 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

2849 West 38th Street

P. P. No. 007-18-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 462 in H. Stone's Addition being a Subdivision of part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and being 50 feet front on the Northerly side of Seymour Avenue, S.W. and extending back of equal width 132 feet to the Southerly line of a 14 foot alley,

as appears by said plat, be the same more or less, but subject to all legal highways.

3726 Seymour Avenue

P. P. No. 007-18-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the East half of Sublot No. 461 in Hiram Stone's Addition to Cleveland of part of Original Brooklyn Township Lot Nos. 53 and 68, and being 25 feet front on Seymour Avenue and extending back of uniform width 132 feet to an alley, as per plat of said Allotment recorded in Volume 1 of Maps, Pages 41 and 42 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

3736 Seymour Avenue

P. P. No. 007-18-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Western one-half of Sublot No. 461 in H. Stone's Addition, being a Subdivision of part of Original Brooklyn Township Lot Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 25 feet front on the Northerly side of Seymour Avenue, S.W. and extending back of equal width 132 feet to a 14 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

3740 Seymour Avenue

P. P. No. 007-18-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 463 in Hiram Stone's Addition of part of Original Brooklyn Township Lot Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Seymour Avenue, and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

3718 Seymour Avenue

Section 2. That the Director of Parks, Recreation and Properties is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund Nos. 20 SF 377 and 20 SF 392.

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

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

Passed March 29, 2004.
Effective April 5, 2004.

Ord. No. 335-04.

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

An emergency ordinance determining the method of making the public improvement of constructing improvements which are associated with the Phase III redevelopment of Arbor Park Village; authorizing the Directors of Community Development, Public Service, or Public Utilities, as applicable, to enter into one or more public improvement contracts for the making of the improvement; authorizing an agreement with New Longwood Associates L.P. and/or Arbor Park Phase Three Associates, L.P. to cooperate in the cost of this 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, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of making various infrastructure improvements which are associated with the Phase III redevelopment of Arbor Park Village, including but not limited to the construction of new streets, water and sewer lines, street lighting, and related earthwork, for Departments of Community Development, Public Service, and Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the Director of Community Development is authorized to enter into an agreement with New Longwood Associates, L.P. and/or Arbor Park Phase Three Associates, L.P. to cooperate in the cost by contributing approximately \$45,000 to the City of Cleveland which will cover the cost of water meter vaults, and those funds are appropriated for this purpose.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 58 SF 001, 20 SF 379, 20 SF 393, 20 SF 394, and from the fund or funds which are credited the money

received from New Longwood Associates, L.P. and/or Arbor Park Phase Three Associates, L.P. for the purpose described in Section 3 above, Request No. 125755.

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

Passed March 29, 2004.
Effective April 5, 2004.

Ord. No. 467-04.

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

An emergency ordinance reaffirming Ordinance No. 73-84, passed January 23, 1984, in order to continue to pick-up employee contributions to the Police and Fire Pension Fund under new procedures.

Whereas, under Ordinance No. 73-84, passed January 23, 1984, this Council authorized a plan for Cleveland to assume and pay employee contributions to the Police and Fire Pension Fund ("OP&F"); and

Whereas, under the plan authorized by this Council, the City "picks-up" all of the ten percent (10%) mandatory contributions required under Section 742.31 of the Ohio Revised Code for participating employees who are members of the OP&F; and

Whereas, the OP&F has adopted new procedures for reporting picked-up contributions in order to properly prepare 1099-R forms for its members; and

Whereas, this Council reaffirms Ordinance No. 73-84, passed January 23, 1984, in order to continue the picked-up contributions under the new procedures; 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, effective on the passage date of this ordinance, the City of Cleveland shall continue to pick-up all of the ten percent (10%) mandatory contributions by the employees who are members of the OP&F through a payroll reduction. The picked-up contributions paid through a payroll reduction, even though designated as employee contributions for state law purposes, are being paid by the City of Cleveland in lieu of the contributions by the employee. The picked-up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distribution from the OP&F. The employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of Cleveland to the OP&F.

Section 2. That the Director of Finance and the Commissioner of Accounts are directed to implement the provisions of this ordinance.

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 March 29, 2004.
Effective March 30, 2004.

Ord. No. 545-04.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Clean Air Challenge (Race and Walk), June 27, 2004 sponsored by the American Lung Association.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Clean Air Challenge sponsored by the American Lung Association on June 27, 2004, with the race starting on the driveway in front of airport lobby near Horn Blowers Restaurant (spot at crosswalk sign by Horn Blowers, in line with black light pole), (Note - runners will run with the direction of road traffic on most of the course), west on drive to west airport exit and North Marginal, turn right/west on North Marginal which comes into Erieside, stay on Erieside heading west to stop sign at S.E. corner of Browns Stadium, turn right at stop sign heading north on Erieside to first stop sign at N.E. corner of Browns Stadium, turn left heading west on Erieside around stadium, stay on Erieside heading south which becomes W. 3rd St., turn right/west onto West Lakeside Ave. to West 9th St., turn right/north onto West 9th St. to Front St., turn left/west onto Front St. to West 10th St., turn left/south onto West 10th St. to West 10th St./West to St. Clair "Hill", (Note - West 10th St. is a one-way street that goes south to north, and runners will be running against the direction of traffic), turn left/east heading up Hill onto West St. Clair, stay on St. Clair going east to West 3rd St., turn left/north onto W. 3rd St. to stop sign at S.W. corner of Browns Stadium, turn right/east at stop sign on North Coast Stadium Drive to Erieside, stay on Erieside heading east onto North Marginal Dr., stay on North Marginal to first (west entrance/exit) driveway of Burke Lakefront Airport, turn left at driveway to Finishline, finish on driveway near airport lobby and Horn Blowers (22ft. behind/east of starting line spot/mark). The walk route starts at Burke Lakefront Airport parking lot, turn right on Marginal Drive, turn right on East 9th Street, make loop around park, return south on East 9th Street, turn right on Erieside Avenue, fol-

low Erieside around Cleveland Browns Stadium, turn left on Al Lerner Way, follow to Erieside to East 9th Street, turn right on East 9th Street, turn right on Lakeside Avenue, turn left on Ontario Avenue, turn left on Prospect Avenue, turn left on East 18th Street, turn left on Euclid Avenue, turn right on East 9th Street, turn right on Marginal Drive, turn left into Burke Lakefront Airport parking lot, 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 March 29, 2004.
Effective April 5, 2004.

Ord. No. 546-04.

By Council Member Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Diabetes Association of Greater Cleveland to stretch a banner at Cleveland State University, on the walkway crossing over East 22nd Street at Euclid Avenue for the period from April 23, 2004 to April 25, 2004, inclusive, publicizing the 19th Annual Verizon Wireless Swim for Diabetes.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Diabetes Association of Greater Cleveland to install, maintain and remove a banner at Cleveland State University, on the walkway crossing over East 22nd Street at Euclid Avenue for the period from April 23, 2004 to April 25, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed March 29, 2004.
Effective April 5, 2004.

Ord. No. 547-04.

By Council Member O'Malley.

An emergency ordinance prohibiting the use of Loew Park for organized football and prohibiting the Director of Parks, Recreation and Properties from issuing permits for same, and revoking any existing permits.

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 use of Loew Park located in Ward 16 is hereby prohibited for the playing of organized football. The Director of Parks, Recreation and Properties shall not issue any permits for the use of Loew Park for the playing of organized football. Any existing permits for the playing of organized football at Loew Park are hereby permanently revoked.

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 March 29, 2004.
Effective April 5, 2004.

COUNCIL COMMITTEE MEETINGS

**Monday, April 5, 2004
2:00 p.m.**

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Pierce Scott, Reed, Westbrook, White.

**Tuesday, April 6, 2004
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Jones, Lewis, Reed, Zone. *Authorized Absence:* Coats, Pierce Scott.

**Wednesday, April 7, 2004
9:30 a.m.**

Public Safety Committee: Present in Safety: Reed, Chair; Britt, Vice Chair; Brady, Coats, Conwell, Zone. *Authorized Absence:* Cimperman, Jones, White.

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