

The City Record

Official Publication of the Council of the City of Cleveland



November the Tenth, 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	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, 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 _____; 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 Leohr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud,

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Subodh Chandra; Chairman; Finance

Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande,

Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, NOVEMBER 10, 2004

No. 4744

CITY COUNCIL

MONDAY, NOVEMBER 8, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 8, 2004

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

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

Also present were Mayor Campbell, Chief Operating Officer Brown, Chief of Staff Janik, Directors Baker, Mok, Ricchiuto, Carroll, Watson, N. Ronayne, Rush, Williams, Huth, Fumich, Taylor, Johnson, 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 28th Street in Ward 14. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 846-04-A.

Sworn Statement of Public Notice published in The Plain Dealer as stated in Resolution No. 846-04. Received.

File No. 849-04-A.

Notice to property owner of record — Public Hearing Spot Elimination of Blight. Received.

File No. 2194-04.

From the Department of Purchases and Supplies — Mayor's Emergency Requisitions/Purchase Orders — replace leaking pipe & steam line — Division of Streets. Received.

File No. 2136-04.

From Kenneth J. Fisher Co., L.P.A. — Notice Regarding Claim by Sisser Jewelers, Inc. Received.

File No. 2137-04.

From Cleveland State University — Perspective, 40 Years of Academic Excellence. Received.

File No. 2138-04.

From the Department of Economic Development — 2004 Economic Development Bond. Received.

File No. 2139-04.

From PricewaterhouseCoopers, LLP — respond to request for proposal — professional auditing services — Cleveland City Council. Received.

File No. 2140-04.

From The Cleveland Clinic — Catalyst/Annual Report Edition, Philanthropy 2003. Received.

File No. 2141-04.

From Cleveland Municipal School District — Shaping Tomorrow, Continuing the Progress to Educate Cleveland's Children. Received.

File No. 2142-04.

From the Cleveland Institute of Art — Annual Report 2003-2004. Received.

File No. 2143-04.

From The Roundtable Community Council — 2003 Report to the Community. Received.

File No. 2144-04.

From the Cuyahoga County — Evaluation for new public administration complex. Received.

File No. 2145-04.

From MidTown Cleveland, Inc. — Momentum, Issue 2, 2004. Received.

FROM DEPARTMENT OF LIQUOR CONTROL**File No. 2146-04.**

Re: New Application — 6082097 — Pyramids Market, Inc., d.b.a. Pyramids Market, 7502 St. Clair Avenue. (Ward 8). Received.

File No. 2147-04.

Re: Transfer of Ownership Application — 7679172 — Lisa M. Salajcik, d.b.a. Bar 112, 11120 & 24 Lorain Avenue, first floor only & 11118 Lorain Avenue, first floor rear. (Ward 19). Received.

File No. 2148-04.

Re: Transfer of Ownership Application — 3472884 — HRS Enterprises, LLC, d.b.a. Rite Shop Food Mart, 3022 West 25th Street. (Ward 14). Received.

File No. 2149-04.

Re: Transfer of Ownership Application — 4174600 — JBC of Cleveland, Ohio, Inc., d.b.a. Jillians, 1148 Main Avenue, Unit 400-500 & patio. (Ward 13). Received.

File No. 2150-04.

Re: Transfer of Ownership Application — 2337798 — Dujmovic Enterprises, LLC, d.b.a. Mrki's Place, 5379 St. Clair Avenue, first floor. (Ward 13). Received.

File No. 2151-04.

Re: Transfer of Ownership Application — 2831709 — 4215 Fulton, Inc., d.b.a. Fulton Bi Rite, 4215 Fulton Road. (Ward 15). Received.

File No. 2152-04.

Re: Transfer of Ownership Application — 0172762 — Amanah Foods, Inc., d.b.a. Saveliner Supermarket, 10716 Woodland Avenue. (Ward 6). Received.

STATEMENT OF WORK ACCEPTED**File No. 2153-04.**

From the Department of Public Utilities — Contract No. 61776 A, Fabrizi Trucking & Paving Co. — completed and accepted December 23, 2003. Received.

File No. 2154-04.

From the Department of Public Utilities — Contract No. 62375 A, Fabrizi Trucking & Paving Co. — completed and accepted August 25, 2004. Received.

File No. 2155-04.

From the Department of Public Service — Contract No. 62291, Harvard Yards Site Improvements, accepted September 1, 2004. Received.

File No. 2156-04.

From the Department of Public Utilities — Contract No. 61912 A,

Terrace Construction Company, Inc. — completed and accepted June 16, 2004. Received.

File No. 2157-04.

From the Department of Public Utilities — Contract No. 62563 A, Terrace Construction Company, Inc. — completed and accepted September 7, 2004. Received.

File No. 2158-04.

From the Department of Public Utilities — Contract No. 58991 A, Fabrizi Trucking & Paving Co. — completed and accepted August 25, 2004. Received.

File No. 2159-04.

From the Department of Parks, Recreation and Properties — Contract No. 62838, R. DiLillo & Company, accepted June 30, 2004. Received.

File No. 2160-04.

From the Department of Public Utilities — Contract No. 61081 A, Fabrizi Trucking & Paving Co. — completed and accepted August 31, 2003. Received.

MAYOR'S APPOINTMENTS**File No. 2161-04.**

October 14, 2004

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

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the Greater Cleveland Regional Transit Authority (RTA) Board.

I am pleased to recommend the following individual for appointment to the RTA Board.

1. Iris M. Rodriguez
New Appointment
Term expires on March 2, 2007

Her resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.

File No. 2162-04.

October 14, 2004

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

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a

name for appointment to the City of Cleveland's Fair Employment Wage Board.

I am pleased to recommend the following individual for appointment to the Fair Employment Wage Board.

1. Angela Caldwell
Reappointment
Term expires on May 25, 2007

Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.
Sincerely,
Jane L. Campbell
Mayor

Received.

File No. 2163-04.

October 14, 2004

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

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Planning Commission.

I am pleased to recommend the following individual for appointment to the Planning Commission.

1. Gloria Jean Pinkney
Reappointment
Term expires on November 2, 2010

Her resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.
Sincerely,
Jane L. Campbell
Mayor

Received.

File No. 2164-04.

October 14, 2004

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

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Fair Housing Board.

I am pleased to recommend the following individual for appointment to the Fair Housing Board.

1. Doris Honsa
Reappointment
Term expires on June 1, 2007

Her resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.

File No. 2165-04.

October 14, 2004

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

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Fair Housing Board.

I am pleased to recommend the following individual for appointment to the Fair Housing Board.

1. Charles See
Reappointment
Term expires on June 1, 2007

His resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.

File No. 2166-04.

October 14, 2004

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

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Planning Commission.

I am pleased to recommend the following individual for appointment to the Planning Commission.

1. Lillian Kuri
Reappointment
Term expires on November 2, 2010

Her resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda.

Thank you.

Sincerely,
Jane L. Campbell
Mayor

Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2167-04 — Evelyn Pearl Logan.

Res. No. 2168-04 — Larry Albert Hines.

Res. No. 2169-04 — Marion Mynell Swinson.

Res. No. 2170-04—Annette Y. Apolito.

Res. No. 2171-04—Bessie M. Johnson.

Res. No. 2172-04—Lamar Parker.

Res. No. 2173-04—Buddy Bush.

Res. No. 2174-04 — Cynthia Scott Base.

Res. No. 2175-04 — Cathrine Taylor.

Res. No. 2176-04—Kathrine Fisher.

RESOLUTIONS OF CONGRATULATION

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

Res. No. 2177-04—Hattie Bilsey.

Res. No. 2178-04 — Anthony E. Smith.

Res. No. 2179-04—Donald & Norma Freeman.

Res. No. 2180-04—Dr. Timothy L. Stephens, Jr.

Res. No. 2181-04 — Timothy W. Roberts.

Res. No. 2182-04—Reverend Thomas W. Gilmore.

Res. No. 2183-04—Reverend Paul W. Hoffman.

Res. No. 2184-04—Rosie Lee Williams.

Res. No. 2185-04—Elder Milton E. Lee, Sr.

Res. No. 2186-04 — Lee Road Baptist Church.

Res. No. 2187-04 — St. Colman's Church.

RESOLUTIONS OF RECOGNITION

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

Res. No. 2188-04 — "Family Life Week"/ 32° Masons of the Ancient and Accepted Scottish Rite Valley of Cleveland.

Res. No. 2189-04 — India Pierce Lee.

Res. No. 2190-04—Dorothy Cioacca.

RESOLUTION OF APPRECIATION

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

Res. No. 2191-04—Superintendent Paul Douglas Ealy.

RESOLUTIONS OF WELCOME

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

Res. No. 2192-04 — Congressman Elijah E. Cummings.

Res. No. 2193-04—Ekaterina Zelen-skaya.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2103-04.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide various environmental services necessary to comply with federal, state and local laws, rules, regulations, statutes, ordinances, permits, orders, policies and guidance.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide various environmental services necessary to comply with federal, state and local laws, rules, regulations, statutes, ordinances, permits, orders, policies and guidance.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above contract, and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract, Request No. 150560.

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. 2104-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Lawhon & Associates, Inc. for professional services necessary for collection, sampling and analyses, preparing of reports and recommendations transportation, and disposal of surface and ground water encountered during construction at Cleveland Hopkins International Airport.

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 one or more contracts with Lawhon & Associates, Inc. for professional services necessary for collection, sampling and analyses, preparing of reports and recommendations, transportation, and disposal of surface and ground water encountered during construction at Cleveland Hopkins International Airport, based on their proposal dated October 1, 2004, in the total sum of \$940,000.00, for the Department of Port Control. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or sub-funds to which are credited any federal grants or federal PFC authorization for the above contract, and the proceeds from the sale of any airport revenue bonds issue for a purpose which includes the above contract, Request No. 150561.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 2105-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Pro-tech Engineering for professional services necessary to maintain specialized computer equipment at the Centralized Deicing Facility at Cleveland Hopkins International Airport.

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 one or more contracts with Pro-tech Engineering for professional services necessary to maintain specialized computer equipment at the Centralized Deicing Facility at Cleveland Hopkins International Airport, in the total sum of \$40,000.00, for the Department of Port Control. That the cost of contract or contracts authorized shall

be paid from Fund No. 60 SF 001, Request No. 150562.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 2106-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with C.C.G. Systems, Inc. for professional services necessary to provide software maintenance for the Fleet Management Information System.

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

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

Section 1. That the Director of Public Service is authorized to enter into one or more contracts with C.C.G. Systems, Inc. for professional services necessary to provide software maintenance for the Fleet Management Information System for a period of one or two years, for the Department of Public Service. The contracts or contracts shall be paid from Fund No. 11 SF 006, Request No. 153953. 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 proposals received for both terms.

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 Public Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 2107-04.
By Council Members Zone, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Resolution No. 1485-04, adopted October 11, 2004, relating to an intent to vacate a portion of Side Avenue.

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

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

Section 1. That Section 1 of Resolution No. 1485-04, adopted October 11, 2004, is amended to read as follows:

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

property: **Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being known as all that portion of the southerly 12 feet of Side Avenue N.W.** (width varies) extending from the Easterly line of West 58 Place (13.50 feet wide) Easterly to the West line of the William Wessing Allotment as shown by the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records.

Reviewed and Approved by Greg Esber, Survey Section Chief for E&C.

Section 2. That existing Section 1 of Resolution No. 1485-04, adopted October 11, 2004, is repealed.

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

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

Ord. No. 2108-04.
By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2005 Tobacco Control Program; authorizing the purchase by one or more requirement contracts of supplies, equipment, and services; and authorizing the director to enter into one or more contracts with various agencies to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$88,362, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2005 Tobacco Control Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2108-04-A, made a part hereof as if fully rewritten herein, is approved in all respects.

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

Section 4. That the Director of Public Health is authorized to enter into one or more contracts with various agencies necessary to implement the grant as described in the file.

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary

items of supplies, equipment, and services to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

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

Ord. No. 2109-04.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2005 Cardiovascular Disease Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$80,895, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2005 Cardiovascular Disease Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in summary and budget for the grant.

Section 2. That the summary and budget for the grant, File No. 2109-04-A, made a part as if fully rewritten herein, is approved in all respects.

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

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

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

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

Ord. No. 2110-04.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2005 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$817,656, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2005 Federal AIDS Prevention Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 2110-04-A, made a part as if fully rewritten herein, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program as described in the summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance with the following agencies, in the following amounts:

<u>Agency</u>	<u>Amount</u>
AIDS Taskforce of Greater Cleveland	\$190,000.00
BlackOut Unlimited	49,500.00
Cleveland Treatment Center	193,500.00
Free Clinic of Greater Cleveland	40,000.00
HUMADAOP	55,500.00
Northeast Ohio Neighborhood Health Services	51,000.00
Recovery Resources	20,500.00
Regional Advisory Group Support	8,000.00

In addition, the sum of not more than \$93,576.00 is appropriated to the Department of Public Health for administrative costs of implementing this program and the sum of not more than \$116,080.00 is appropriated for the operation of the Disease Intervention Specialist Services Program conducted by the Department.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 2111-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from State of Ohio Office of Criminal Justice Services for the Project Safe Neighborhood - HUD Crime Reduction Project; and to enter into one or more contracts to implement the project.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$101,250, from the State of Ohio Office of Criminal Justice Services to conduct the Project Safe Neighborhood - HUD Crime Reduction Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2111-04-A made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with the Cuyahoga County Sheriff's Department and the Cuyahoga Metropolitan Housing Authority to implement the program as described in the file.

Section 5. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of equipment and services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That the costs of the contract or contracts shall be

charged against the fund or funds which are credited to the grant proceeds accepted under this ordinance and from the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

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

Ord. No. 2112-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the Local Law Enforcement Block Grant Program; and to enter into one or more contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$498,515, from the U.S. Department of Justice, to conduct the Local Law Enforcement Block Grant Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2112-04-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$55,391, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety 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 necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies

until provision is made for the requirements for the entire term.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the Director of Public Safety is authorized to employ by one or more contracts a consultant or firm 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 implement the program as described in the file.

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

Section 7. That the cost of the professional services and purchases authorized by this ordinance shall be charged against the fund or funds which are credited to the grant proceeds accepted under this ordinance and 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 certified by the Director.

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

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

Ord. No. 2113-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the Project Safe Neighborhood, Operation Safe Neighborhoods Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply

for and accept a grant in the amount of \$39,558, from the Ohio Department of Public Safety to conduct the Project Safe Neighborhood, Operation Safe Neighborhoods Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2113-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 2114-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the Safe Communities, Law Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$60,000, from University Hospitals to conduct the Safe Communities, Law Enforcement Overtime Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2114-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 2115-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance to amend the title and Section 4 of Ordinance No. 623-04, passed May 17, 2004, relating to applying for and accepting a grant from the United States Department of Justice for the Children Who Witness Violence Program; and authorizing one or more contracts to implement the program.

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

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

Section 1. That the title and Section 4 of Ordinance No. 623-04, passed May 17, 2004, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the Children Who Witness Violence Program; and authorizing the director to enter into one or more contracts with Cuyahoga County to implement the program.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County to implement the program as described in the file.

Section 2. That the existing title and Section 4 of Ordinance No. 623-04, passed May 17, 2004, are repealed.

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

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

Ord. No. 2116-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the Ohio Safe Commutes Project Plan Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$23,860, from the Ohio Department of Public Safety to conduct the Ohio Safe Commutes Project Plan Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2116-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an

increase in the dollar amount of the grant specified above.

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

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

Ord. No. 2117-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Health for the Regional Metropolitan Medical Response Program; and authorizing the purchase by one or more requirement contracts of equipment, supplies, and services; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$100,000, from the Ohio Department of Public Health to conduct the Regional Metropolitan Medical Response Program; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 2117-04-A, made a part of this ordinance as if fully rewritten is approved in all respects.

Section 3. That the Director of Public Safety 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 implement the grant as described in the file.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary

items of equipment, supplies, and services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 2118-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the FY 2003 State Homeland Security, Part I Training Program; and authorizing the purchase by one or more requirement contracts of equipment, supplies, and services; authorizing the director to employ one or more professional consultants; and authorizing the director to enter into contract with the Cuyahoga County to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$49,500, from the County of Cuyahoga to conduct the FY 2003 State Homeland Security, Part I Training Program; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 2118-04-A,

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

Section 3. That the Director of Public Safety 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 implement the grant as described in the file.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County to implement the grant as described in the file.

Section 5. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of equipment, supplies, and services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accept-

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

Section 7. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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 Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2119-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 62764 for improvements to the Glenville Recreation Center Playground with R. DiLillo Company, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make the following alterations and modifications in Contract No. 62764 with R. DiLillo Company for improvements to the Glenville Recreation Center Playground, for the Department of Parks, Recreation and Properties:

GLENVILLE RECREATION CENTER PLAYGROUND IMPROVEMENT
SUBSIDIARY PRICE AGREEMENT

ADDITIONS — ORIGINAL ITEMS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1	demolition, grading & site preparation ..., complete (lump sum)	\$18,750.00
5	classified fill material ..., complete (250 cy @ 20.00)	\$ 5,000.00
11	furnish & install 4" PVC ..., complete (175 lf @ 7.00)	\$ 1,225.00
12	furnish & install 12" PVC ..., complete (75 lf @ 25.00)	\$ 1,875.00
13	furnish & install precast catch basin ..., complete (1 each @ 1,200.00)	\$ 1,200.00
15	break through connection w/ 4" PVC..., complete (1 each @ 250.00)	\$ 250.00
16	break through connection w/ 12" PVC ..., complete (1 each @ 500.00)	\$ 500.00
21	furnish & install 6" concrete ..., complete (1200 sf @ 4.00)	\$ 4,800.00
27	furnish & install 12" x 18" curb ..., complete (400 lf @ 22.00)	\$ 8,800.00
62	furnish & install 4" topsoil ..., complete (2352 sy @ 2.70)	\$ 6,350.40
65	furnish & install seeded lawn areas ..., complete (2352 sy @ 1.00)	\$ 2,352.00
2AA	furnish & install drinking fountain (baseball) ..., complete (lump sum)	\$ 2,500.00
TOTAL ADDITIONS — ORIGINAL ITEMS		\$53,602.40

Original Contract Amount	\$ 399,571.88
Total Additions - Original Items	<u>+ 53,602.40</u>
REVISED CONTRACT AMOUNT	\$ 453,174.28

Which alteration has been recommended in writing by the Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$53,602.40, payable from Fund No. 20 SF 361.

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

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

Ord. No. 2120-04.
By Council Members Johnson,
Cimperman and Jackson (by depart-
mental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 8950 Everts Avenue at East 90th Street to Miceli-Lagrasso Development Corporation.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Miceli-Lagrasso Development Corporation (the "Redeveloper") no longer needed for public use and located at 8950 Everts Avenue at East 90th Street; and

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

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

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

P. P. No. 126-21-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 43 to 49, both inclusive, and part of Sublot Nos. 42 and 50 in E. Sells' Subdivision as recorded in Volume 4, Page 46 of Cuyahoga County Map Records, also all of Sublot Nos. 29 to 39, both inclusive, and part of Sublot No. 40 in Caskey and Calhoun's Subdivision as recorded in Volume 18, Page 3 of Cuyahoga County Maps, Records, also a part of Exchange Road, S.E. East 89th Street and the 12-foot alley vacated by Ordinance 34716, passed December 20, 1915, all being part of Original Newburgh Township Lot No. 424, and together bounded and described as follows:

Beginning on the Westerly line of East 90th Street at its intersection with the Southerly line of land conveyed to Margaret A. Balazs August 4, 1937, as recorded in Volume 4757, Page 172 of Cuyahoga County Deed Records; thence Southerly along said Westerly line of East 90th Street about 315.81 feet to a point 25 feet Northerly from the Southerly line of Exchange Road, S.E. vacated as aforesaid; thence Westerly parallel with said Southerly line about 343.88 feet to its intersection with a line 10 feet Easterly from and parallel with the Westerly line of East 89th Street vacated as aforesaid; thence Northerly parallel with said Westerly line about 320.34 feet to the Southerly line of Everts Road, S.E., being also the Northerly line of said vacated portion of East 89 Street; thence Easterly along the Northerly line of East 89th Street, vacated as aforesaid, 30 feet to the Easterly line of East 89th Street; thence Northerly along said Easterly line about 24.20 feet to the Southerly line of Everts Road, S.E.; thence Easterly along said Southerly line about 135.28 feet to the center line of the 12-foot alley vacated as aforesaid; thence Southerly along said center line 30 feet to the Southerly line extended of land conveyed as aforesaid to Margaret A. Balazs; thence Easterly along said Southerly line extended and along said Southerly line 178 feet to the place of beginning.

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

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

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

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

Ord. No. 2121-04.
By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 18th Street to Christian Flores.

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). 004-02-071, as more fully described below, to Christian Flores.

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

P. P. No. 004-02-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in Averell and Bradford's Grove Allotment of part of Original Brooklyn Township Lot No. 70, as shown

by the recorded plat in Volume 4 of Maps, Page 3 of Cuyahoga County Records and being parcel of land 30 feet front on the Easterly side of West 18th Street and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 2122-04.
By Council Member Gordon.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 44th Street to Cleveland Housing Network, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 015-16-117, as more fully described below, to Cleveland Housing Network, Inc.

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

P. P. No. 015-16-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in Gruebele and Tupper's Subdivision of part of Original Brooklyn Township Lot No. 55, as shown by the recorded plat in Volume 15 of Maps, Page 36 of Cuyahoga County Records and being 38 feet front on the Westerly line of West 44th Street and extending back of equal width 125.11 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 2123-04.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the westerly part of Block B in the Lee-Seville/Cleveland Outerbelt Industrial Park subdivision to Troyer Potato Products, Inc. dba Dan Dee Potato Chips.

Whereas, the Director of Economic Development has requested the sale of the City-owned property to Troyer Potato Products, Inc. dba

Dan Dee Potato Chips (the "Redeveloper") no longer needed for public use and located at the westerly part of Block B in the Lee-Seville/Cleveland Outerbelt Industrial Park subdivision; and

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

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

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

REMAINDER OF BLOCK B
Permanent Parcel No. 142-16-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a Westerly part of Block B in the Lee-Seville/Cleveland Outerbelt Industrial Park Subdivision of part of Original Warrensville Township Lots Nos. 81, 82, and 103, as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Being all of that part of Block B bounded on the West by the Easterly line of East 153rd Street, (50 feet wide), on the East by the Westerly line of a part of said Block B conveyed to the Samuel Steel Pickling Company by deed dated August 9, 1988 and recorded in Volume 88-4003, Page 12 of Cuyahoga County Records, on the North by the Southerly line of the S. H. Kleinman Realty Company's Miles Heights allotment as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, and on the South by the Northerly line of Johnston Parkway, S.E. (60 feet wide).

Containing within said bounds, an area of about 5.072 acres of land be the same more or less but subject to all legal highways, easements, and restrictions of record.

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

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

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

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

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

Ord. No. 2124-04.

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

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

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 Aging is authorized to apply for and accept a grant in the approximate amount of \$40,000, and any other funds that may become available during the grant term from the Cleveland Foundation to conduct the Successful Aging Elder Friendly Communities Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 2124-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Aging 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 implement the grant.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Aging from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Aging 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 Aging, and certified by the Director of Finance.

Section 4. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 2128-04.
By Council Member Cimperman.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with McKnight & Associates LTD to provide professional services necessary to design park improvements to Fairview Park.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with McKnight & Associates LTD for professional services necessary to design park improvements to Fairview Park on the basis of its proposal dated August 27, 2004.

Section 2. That the cost of said contract and services shall be paid from Fund No. 20 SF 382 and/or any other funds appropriated and available for this purpose. The contract shall be prepared by the Director of Law, approved by the Director of Parks, Recreation, and Properties, and certified by the Director of Finance.

Section 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.

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

Ord. No. 2130-04.
By Council Member O'Malley.
An emergency ordinance designating James Ford Rhodes High School as a Cleveland Landmark.

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

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

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation

of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That James Ford Rhodes High School whose street address in the City of Cleveland is 5100 Biddulph Avenue, S. W., also known as Cuyahoga County Auditor's Permanent Parcel Number 012-10-061, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 2126-04.

By Council Member Jackson (by departmental request).

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

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2005; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is without the 10-mill tax limitation; and

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

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

Section 1. That the amounts and rates as determined by the Budget Commission in its certification are accepted.

Section 2. That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to be Derived From Levies Outside 10-Mill Limitation Column II	Amount Approved By Budget Commission Inside 10-Mill Limitation Column IV	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10-Mill Limit Column V	Outside 10-Mill Limit Column VI
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			0.05	0.25
TOTAL			4.40	8.30

Section 3. That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

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

Res. No. 2127-04.
By Council Members Gordon, Sweeney, Cimperman and Jackson (by departmental request).

An emergency resolution declaring the intention to vacate a portion of the 1st Un-Named Alley, West of Pearl Road from Krather Road to its Northerly terminus.

Whereas, this Council is satisfied that there is good cause to vacate a portion of the 1st Un-Named Alley, West of Pearl Road from Krather Road to its Northerly terminus, as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the first un-named alley (14 feet wide) West-erly of Pearl Road on the Northerly side of Krather Road and extending Northerly from the Northerly line of Krather Road (40 feet wide) to the Northerly line of the Henry Krather Allotment of part of Original Brooklyn Township Lot Nos. 57 and 64 as shown by the recorded map in Volume 25, Page 17 of Cuyahoga County Records.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2125-04.
By Council Member Pierce Scott.
An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Famicos Foundation for Holiday in the Neighborhood Program through the use of Urban Development Action Grant Fund.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Famicos Foundation for the Holiday in the Neighborhood Program for the public purpose of promoting retail and neighborhood commercial development activity in the

City of Cleveland during the holiday season through the use of UDAG Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$75,000 and shall be paid from Fund No. 17 SF 17652.

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

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

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

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

Ord. No. 2129-04.
By Council Member Reed.
An emergency ordinance to amend Section 1 Ordinance No. 1205-04, passed June 18, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Thea Bowman Center for providing their Mt. Pleasant Community Orchestra program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 Ordinance No. 1205-04, passed June 18, 2004 are hereby amended to reads as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with the Thea Bowman Center for providing their Mt. Pleasant Community Orchestra program and a for-profit or not-for-profit organization serving as the fiscal agent for the Thea Bowman Center to provide the Mt. Pleasant Community Orchestra program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 9 and 20 Neighborhood Equity Funds

Section 2. That Section 1 Ordinance No. 1205-04, passed June 18, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2135-04.
By Council Members Conwell, Pierce Scott and Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle, Incorporated to stretch one banner on Stokes Boulevard, for the period from November 15, 2004 to December 10, 2004, inclusive, publicizing Holiday CircleFest.

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 University Circle Incorporated to install, maintain and remove one banner on Stokes Boulevard, for the period from November 15, 2004 to December 10, 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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2131-04.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Gotcha Inn, Inc., 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 3300133 to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside

Avenue, Cleveland, Ohio 44114, Permanent Number 2779680; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Gotcha Inn, Inc., 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 3300133 to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 2779680; 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 2132-04.

By Council Member Reed.

An emergency resolution objecting to the transfer of a liquor license of a C2 and C2X Liquor Permit to 3744 East 144th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of a liquor license of a C2 and C2X Liquor Permit from Trend Cross Enterprises, Inc., DBA Capital Beverage St. Clair, 6104 St. Clair Avenue, 1st Floor, Cleveland, Ohio 44103, Permanent Number 9041659 to Nader Assad, DBA One Stop Market, 3744 East 144th Street, Cleveland, Ohio 44120, Permanent Number 0300177; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of a liquor license of a C2 and C2X Liquor Permit from Trend Cross Enterprises, Inc., DBA Capital Beverage St. Clair, 6104 St. Clair Avenue, 1st Floor, Cleveland, Ohio 44103, Permanent Number 9041659 to Nader Assad, DBA One Stop Market, 3744 East 144th Street, Cleveland, Ohio 44120, Permanent Number 0300177, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 2133-04.

By Council Member Reed.

An emergency resolution objecting to the transfer of a liquor license of a C2 and C2X Liquor Permit at 14101 1/2 Kinsman Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of a liquor license of a C2 and C2X Liquor Permit from Zetawi, Inc., 14010 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 9902056 to Zetawi, Inc., DBA Mt. Pleasant Beverage, 14101 1/2 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 99020560001; 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 is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of a liquor license of a C2 and C2X Liquor Permit from Zetawi, Inc., 14010 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 9902056 to Zetawi, Inc., DBA Mt.

Pleasant Beverage, 14101 1/2 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 99020560001, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 2134-04.

By Council Member White.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 9911 Miles Avenue and repealing Resolution No. 1354-04, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 9911 Miles Avenue by Resolution No. 1354-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Jiryes Unlimited, Inc., DBA Neighborhood Market, 9911 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 4290858 be and the same is hereby withdrawn and Resolution No. 1354-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1182-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4740 East 176th Street to Anna Marie Fletcher.

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

Ord. No. 1480-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Northeast Shores Development Corp. to encroach into the public right-of-way of Waterloo Road to construct, install, use, and maintain bicycle racks at the location(s).

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

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

Ord. No. 1666-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into a Local Project Administration agreement with the Ohio Department of Transportation to fund and construct the Bessemer Avenue Extension Phase II project; authorizing the Director of Public Service to enter into one or more contracts with ARCADIS FPS, Inc. for preliminary engineering services for the improvement; determining the method of making the public improvement; and authorizing the director to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

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

Ord. No. 1674-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at on East 162nd Street to Janis E. Adams.

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

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

Ord. No. 1677-04.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Gregory Taylor.

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

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

Ord. No. 1679-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Lawrence M. Jenkins.

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

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

Ord. No. 1680-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Lexington Avenue to Mohammed J. Zachariah.

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

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

Ord. No. 1681-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Star Avenue to Catherine McCollum.

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

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

Ord. No. 1682-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Dionne Whitaker.

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

Community and Economic Development, Finance.

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

Ord. No. 1684-04.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 51st Street to Gary Nettgen.

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

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

Ord. No. 1685-04.

By Council Member Polensek.

An emergency ordinance designating Oliver Hazard Perry School as a Cleveland landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1772-04.

By Council Member Gordon.

An emergency ordinance designating The Krather Building School as a Cleveland Landmark.

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

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

Ord. No. 1776-04.

By Council Member Brady.

An emergency ordinance designating Wilbur Wright Middle School as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1962-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with University Circle Incorporated, or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the acquisition and rehabilitation of the University Circle Place Apartments at 11309 Euclid Avenue.

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

sage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 2005-04.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 2006-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of microfiche and CD-Rom services, for the various divisions of City government.

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

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

Ord. No. 2007-04.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 2008-04.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 2052-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to make additional appropriations of One Hundred Seventy Thousand Four Hundred Nineteen Dollars (\$170,419) of the Special Revenue Funds and Seven Hundred Ninety Thousand Dollars (\$790,000) of the Enterprise Funds.

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

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

Ord. No. 2053-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide the transfer of Four Million Nine Hundred Sixty Eight Thousand Dollars (\$4,968,000) within various divisions of the General Fund; Two Hundred Thousand Dollars (\$200,000) within the Special Revenue Fund; Two Hundred Thirty Six Thousand Dollars (\$236,000) within the Enterprise Fund; and Two Hundred Thousand Dollars (\$200,000) within the Agency Fund.

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

1. In the title, line 2, strike "Nine" and insert "**Eight**"; and in line 4, strike "\$4,968,000" and insert "**(\$4,868,000)**".

2. In Section 1, line 1, strike "Six" and insert "**Five**"; and in line 2, strike "\$5,604,000" and insert "**(\$5,504,000)**".

3. In Section 1, at "GENERAL FUND", at "JUDICIAL BRANCH", under "Clerks Division", at "I Personnel and Related Expenses", strike "\$300,000" and insert "**\$200,000**", and at "TOTAL JUDICIAL BRANCH", strike "\$300,000" and insert "**\$200,000**".

4. In Section 1, at "General Fund" on page 4, at "Non-Departmental - Other Administrative, II. Other Expenses", and at the next line "Total Nondepartmental", strike "\$400,000" in both places and insert "**\$300,000**".

5. In Section 1, at the end of the "GENERAL FUND" section on page 4, at "TOTAL EXECUTIVE BRANCH", strike "\$4,918,000" and insert "**\$4,818,000**"; and at "TOTAL GENERAL FUND", strike "\$4,968,000" in both columns, and insert "**\$4,868,000**".

6. In Section 1, the last line, entitled "TOTAL ALL FUNDS", strike "\$5,604,000" in both columns, and insert "**\$5,504,000**".

Amendments agreed to.

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

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

**SECOND READING
ORDINANCE PASSED**

Ord. No. 1520-04.

By Council Member Britt.

An ordinance designating The Weizer Building as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

LAI D ON THE TABLE

Ord. No. 2057-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the HIV Prevention and Schools Initiative Program; and authorizing the director to employ one or more professional consultants to develop a comprehensive implementation plan to strengthen and expand HIV prevention services to all students attending 7th to 12th grades in the Cleveland Municipal School District.

Without objection, Ordinance No. 2057-04, was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 2057-04 Laid on the table.

Council Member Rybka entered the meeting.

MOTION

The Council Meeting adjourned at 7:53 p.m. to meet on Monday, November 15, 2004 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 3, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 3, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Absent: Director Rush.

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

Carol Whitaker, Acting Director, Office of Equal Opportunity.

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

Resolution No. 618-04.

By Director Baker.

Whereas, under the authority of Ordinance No. 1071-02, passed by the Council of the City of Cleveland on June 17, 2002, as amended by Ordinance No. 104-04, passed January 28, 2004, and Board of Control Resolution No. 328-04, adopted on May 26, 2004, the Director of Finance, on behalf of the Cleveland Municipal Court, entered into City Contract No. 62971 with ACS Government Systems, Inc., to provide professional services necessary for the operation and enhancement of the Cleveland Integrated Justice Information System ("CIJIS"), and for the collection of unpaid judgments, costs, or other receivables of the Cleveland Municipal Court; and

Whereas, the Cleveland Municipal Court has determined that the successful completion of the work contemplated by Ordinance No. 1071-02 requires additional analyst and programmer services to extract and import data from the records of the Cleveland Municipal Court; and

Whereas, the Cleveland Municipal Court in vol. II, p. 141 of its journal ordered the disbursement of the Court's Computerization Funds available under Section 1901.261 of the Revised Code for the purpose of securing these additional services on a time and materials basis, in the total sum of not to exceed \$45,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Finance, on behalf of the Cleveland Municipal Court, enter into a contract modification to Contract No. 62971 with ACS Government Systems, Inc., on the basis of its proposal dated September 10, 2004, to secure the additional analyst and programmer services necessary to extract and import data of the Cleveland Municipal Court on a time and materials basis, in the total sum of not to exceed \$45,000.00.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Rush.

Resolution No. 619-04.

By Director Ciaccia.

Whereas, Board of Control Resolution No. 342-99, adopted June 9, 1999, under authority of Ordinance No. 68-98, passed by the Council of the City of Cleveland on October 19, 1998 and amended by Ordinance No. 94-99, passed on March 1, 1999, approved Metcalf & Eddy, Inc. as the firm to be employed by contract to provide professional services necessary for the design and implementation of improvements at the Division of Water's Morgan Waterworks Plant, for the Division of Water, Department of Public Utilities; and

Whereas, Board of Control Resolution No. 359-03, adopted June 18, 2003, authorizing the modification dated October 29, 2003 to Contract No. 55268 with Metcalf & Eddy, Inc. which decertified the second and third phases of the project, thus reducing the overall contract amount from \$14,582,343.00 to \$6,832,343.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 342-99, adopted June 9, 1999, under the authority of Ordinance No. 68-98, passed by the Council of the City of Cleveland on October 19, 1998 and amended by Ordinance No. 94-99, passed on March 1, 1999, approving Metcalf & Eddy, Inc. as the firm to be employed by contract to provide professional services necessary for the design and implementation of improvements at the Division of Water's Morgan Waterworks Plant, for the Division of Water, Department of Public Utilities is amended by increasing the amount of sub-consultant services by City Blue Printing Co., Inc. (FBE) from \$118,200.00 (.81%) to \$126,964.00 (1.86%), and by decreasing the amounts of sub-consultant services by Ralph Tyler Companies (MBE) from \$4,002,824.00 (27.45%) to \$1,582,834.00 (23.17%), Advanced Engineering (MBE) from \$709,064.00 (4.86%) to \$330,107.00 (4.83%), and Sigma Associates, Inc. (FBE) from \$706,455.00 (4.84%) to \$255,493.00 (3.74%).

Be it further resolved that all other provisions of said Resolution No. 342-99 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Rush.

Resolution No. 620-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the Conditional bid of West Park Automotive Parts for an estimated quantity of various automotive and truck parts and services, all items, (average hourly rate \$28.00) (part discounts 41% off list price/catalogues), except for such terms and conditions as are unacceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of three (3) years beginning with the date of execution of a contract, received on the 20th day of August 2004, pursuant to the authority of Ordinance No. 759-04, passed June 7, 2004 on the basis of the estimated quantity would amount to One Million Two Hundred Thousand and no/100 Dollars (\$1,200,000.00), (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153231 which shall be certified against the contract in the sum of One Hundred Thousand and no/100 Dollars (\$100,000.00).

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

rately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by West Park Auto Parts, for various automotive and truck parts and services for the above mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
Poly Services	\$200,000.00 (MBE) 16.67%
Aamco Transmissions	\$30,000.00 (FBE) 2.50%
Samsel Supply Co., Inc.	\$10,000.00 (FBE) .83%
Wise International	\$20,000.00
Lake Buick	\$10,000.00
Valley Ford Truck	\$15,000.00
Ganley Ford	\$10,000.00
Torch Hardware	\$ 5,000.00
A&A Hydraulics	\$10,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Rush.

Resolution No. 621-04.

By Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Perk Co., Inc. for an estimated quantity of sewer maintenance appurtenances - slabs, for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 3rd day of September 2004, pursuant to the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Three Hundred Fifty Two Thousand and 00/100 Dollars (\$352,000.00) (1%, Net 30 Days), 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 such contract of the following:

Requisition No. 137673 which shall be certified against such contract in the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perk

Co., Inc. for the contract authorized herein is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	
McTech Corp.	
MBE	\$52,800.00 (15.00%)
Cuyahoga Supply & Tool, Inc.	
FBE	\$3,520.00 (1.00%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Rush.

Resolution No. 622-04.

By Director Ricchiuto.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Tire Distributors, Inc. for an estimated quantity of various new tires group B, C, D, E, I and K, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on September 23, 2004, pursuant to the authority of Ordinance No. 1970-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Six Hundred Twenty Thousand and no/100 Dollars (\$620,000.00) (1% 35 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. 153967 which shall be certified against such contract in the sum of Thirty Five Thousand and no/100 Dollars (\$35,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Rush.

Resolution No. 623-04.

By Director Ricchiuto.
Be it resolved, by the Board of Control of the City of Cleveland, that all bids received for new tires, group A and G (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1970-03, passed by the Council of the City of Cleveland on October 27, 2003, are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ric-

chiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Rush.

Resolution No. 624-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 2328-03, passed by the Council of the City of Cleveland on February 2, 2004, the firm of Solar Testing Laboratories, Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to survey various parcels or portions of parcels of land and for quality assurance services at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Solar Testing Laboratories, Inc. based upon its proposal dated May 5, 2004, provided that the compensation to Solar Testing Laboratories, Inc. for the services authorized shall not exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Solar Testing Laboratories, Inc. is approved:

<u>Subconsultant</u>	<u>Amount</u>
<u>M/FBE %</u>	
Ed Arch Associates, Inc.	
15% MBE	\$15,000.00
KS Associates	
3% FBE	\$3,000.00
Office Pro	
2% FBE	\$2,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Rush.

Resolution No. 625-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 618-04, passed by the Council of the City of Cleveland on May 24, 2004, the firm of Fathom IT Solutions ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be

employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary for internet web link development for internet PDF downloadable services or airline schedules for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Fathom IT Solutions based upon its proposal dated March 12, 2004, provided that the compensation to Fathom IT Solutions for the services authorized shall not exceed Thirty Thousand and 00/100 Dollars (\$30,000.00) for a term of one year with two one-year options to renew exercisable by the Director of Port Control. This contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following sub consultant by Fathom IT Solutions is approved:

<u>Subconsultant</u>	<u>Amount</u>
<u>DBE/MBE/FBE %</u>	
Talcut	
MBE — 15%	\$4,500.00

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

Resolution No. 626-04.

By Director Mok.
Resolved, by the Board of Control of the City of Cleveland that the bid of Plantscaping, Inc., for labor and materials necessary to maintain and replace interior plants, for the various divisions of the Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on the 1st of September, 2004, pursuant to the authority of Ordinance No. 2327-03, passed on February 2, 2004, which on the basis of the estimated quantity would amount to Thirty-Nine Thousand Three Hundred Fifty-Two and 00/100 Dollars (\$39,352.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 150504 which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

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

Resolution No. 627-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Precision Engineering & Contracting, Inc., for the public improvement to the Riveredge Site Employee Parking Lot, for base bid minus Item No. 4C plus contingency Item A.5, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on September 22, 2004, pursuant to the authority of Ordinance No. 912-2000, passed on July 18, 2001, upon a unit basis for the improvement, in the aggregate amount of One Hundred Fifteen Thousand Four Hundred Ninety-Six and 70/100 Dollars (\$115,496.70), is affirmed and approved as the lowest responsible bid; and the Director of Port Control is authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following sub-contractors by Precision Engineering & Contracting, Inc., for the public improvement to the Riveredge Site Employee Parking Lot, are approved:

<u>Subcontractor(s)</u>	<u>Dollar Amount</u>
<u>MBE/FBE %</u>	
Able Contracting Group, Inc.	
11.80 FBE%	\$13,619.00
Richfield Landscaping, Inc.	
14.86 Non M/FBE%	\$17,165.00
North Coast Paving Co., Inc.	
10.30 Non M/FBE%	\$11,900.00

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

Resolution No. 628-04.

By Director Watson.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name:

	<u>Serial No.</u>
Samuel Anderson	9MM, 5943 TFK5211
Daniel Baillis	9MM, 5943 TCZ2106
Thomas Bauhoff	9MM, 5903 TCZ2108
James Bellanca	9MM, 5943 TYR4931
David Bellian	9MM, 5943 TVB0449
Frank Bolon	9MM, 5903 TCZ2109
Ray Burant	9MM, 5943 TUB0404
Michael Butler	9MM, 5943 TVH4884
Richard Campbell	9MM, 5943 VAK7536
Noel Cline	9MM, 5943 VED5627

Michael Cox	9MM, 5946 VYY5892
Luis Cumba	9MM, 5943 TDP8537
Kimberly Davis-Gill	9MM, 5943 TFK5280
James Dennis	9MM, 5943 VAK6330
Brian Dorin	9MM, 5943 TCZ356
Andre Douglas	9MM, 5943 TFK5086
Loretta Duntun	9MM, 5943 TVB0349
Troy Edge	9MM, 5943 VHN9207
Kevin Fairchild	9MM, 5943 VHN9181
Donna Feador	9MM, 5946 VJD4664
John Foster	9MM, 5943 TYR4793
Daniel Fuentes	9MM, 5943 VJN7438
Christopher Graham	9MM, 5943 VYY5219
Shawn Graham	9MM, 5943 TVH5966
Tim Guerra	9MM, 5943 VAK5383
Robert Guttu	9MM, 5943 TVB0176
Johnny Hamm	9MM, 5943 VYY5900
Stephen Havranek	9MM, 5943 TFL6788
Bruce Holland	9MM, 5943 THA0688
Gordon Holmes	9MM, 5943 TYR6148
Michael Januszak	9MM, 5943 TFK5007
Gregory Jones	9MM, 5943 TFK4985
Robert Keneven	9MM, 5943 TFL6788
Michael Kish	9MM, 5943 TYR6090
Thomas Lasko	9MM, 5943 VJN7486
Stephen Loomis	9MM, 5943 TYR4919
Angela Marra	9MM, 5943 VHN9226
Stephen Merrifield	9MM, 5946 TDN7025
Daniel Miranda	9MM, 5943 VCT2644
Robert Nagy	9MM, 5943 TVH6046
Nathaniel Penman	9MM, 5943 TYR6050
Mark Pesta	9MM, 5943 VHM0436
Ronald Phillips	9MM, 5903 TCZ2111
Dale Pietrasz	9MM, 5943 TCZ2079
David Pochatek	9MM, 5946 TDN6952
Terry Preston	9MM, 5943 TFK5099
Gregory Rodes	9MM, 5943 VCH6793
Nelson Rodriguez	9MM, 5946 VJD4597
Richard Sanders	9MM, 5943 VJN7450
Robert Sauterer	9MM, 5943 VCR6182
Vincent Seminatore	9MM, 5943 VYY5893
David Siefer	9MM, 5943 VHN9209
David Stoken	9MM, 5943 VYY5217
John Vinson	9MM, 5943 TFL6587
Michael Volk	9MM, 5943 VED5619
Alvin White	9MM, 5943 TFK5148
Greg Whitney	9MM, 6906 TCT1570
Mark Williams	9MM, 5943 TYR4922

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricciuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Rush.
Abstained: Director Chandra.

Resolution No. 629-04.

By Director Williams.
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 252-04, passed by the Council of the City of Cleveland on April 26, 2004, Alpha-Omega Chemical Company is selected from a list of firms determined after a full and complete canvass by the Director of Building and Housing as the firm to be employed by contract for professional services necessary for providing asbestos surveys and environmental reports.

Be it further resolved that the Director of Building and Housing is authorized to enter into contract with Alpha-Omega Chemical Company based on its proposal dated June 30, 2004, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as contained in said proposal for an aggregate fee of \$42,865.00, and shall contain

such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-contractors by the Alpha-Omega Chemical Company for the above mentioned professional service agreement is approved:

<u>SUB-CONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	
Eden Environmental, Inc. FBE	\$2,143.25
EC Laboratory MBE	\$6,429.75

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Brown, Directors Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.

Absent: Director Rush.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 22, 2004

9:30 A.M.

Calendar No. 04-252: 3034 East 63rd Street (Ward 12)
Hyacinth Lofts Ltd, owner c/o Tom Knapp, agent, appeal to construct 25 townhouse units on an acreage parcel, where there is an existing multi-unit apartment build-

ing that is located in a B1 Two-Family District on the west side of East 63rd Street at 3034 East 63rd Street; the additional townhouse units being subject to the limitations of Section 337.03 for a Two-Family District and in a "B" Area District, Section 355.04 requires that the maximum gross floor area cannot exceed one-half of the lot area, or 34,337 s/f; and either a consolidation of the existing lots or separate plans for permit application are required for Units No. 19 and 25 under Section 327.02; and the expansion of a non-conforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-255: 4748 West 130th Street (Ward 20)

Gary Hasrouni, owner, appeals to change to a used car sales lot a 50' x 140' corner lot located in a C2 General Retail Business District on the southwest corner of West 130th Street and Crossburn Avenue; contrary to the requirements of Section 347.11(a), a lot width of 50' is provided and a minimum of 60' is required; and Sections 352.08 through 352.10 require a 4' wide landscaped strip along the lot frontages on West 130th Street and on Crossburn Avenue; and a 10' wide landscape transition strip is required where the lot abuts residential property to the rear; and a structurally sound barrier is required at the 10' setback line on West 130th Street, as stated in Section 343.11(b)(2)(I)(4) of the Codified Ordinances.

Calendar No. 04-256: 10517 Dale Avenue (Ward 19)

Quoc Nguyen, owner, appeals to erect a 9' x 24' one-story frame storage addition to an existing 24' x 24' accessory garage, situated to the rear of a one family dwelling on a 40' x 126' lot in an A1 One-Family District on the south side of Dale Avenue at 10517 Dale Avenue; subject to the limitations for accessory uses in a residential district, the garage and addition provide 754 s/f and a total of 670 s/f is allowed according to the requirements of Section 337.23A(7) of the Codified Ordinances.

Calendar No. 04-257: 9710 Nelson Avenue (Ward 2)

Carl Davis, owner, appeals to establish use as a Type A Day Care in an existing 24' x 45' two-story, two family frame dwelling on a 40' x 125' lot in a B1 Two-Family District at 9710 Nelson Avenue; subject to the limitations for Residential Districts, a day care must be 30' from an adjoining premises in a Residence District not used for a similar purpose and the proposed day care abuts a Two-Family District; and a Type A Day Care is subject to the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards are provided and if the use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood, as stated in Section 337.02(f)(3)(C) of the Codified Ordinances.

Calendar No. 04-258: 14024-26 Triskett Road (Ward 19)

Mark DeVault, d.b.a. Casey Jones Tavern, owner, appeals to install a 5' x 35' wall sign to be painted on an existing one-story commercial building situated on a 74' x 129' corner lot in a Local Retail Business District on the northeast corner of Triskett Road and West 141st Street; contrary to the Sign Regulations, the proposed sign is approximately 175 s/f and 82 s/f is the maximum wall sign area allowed in a Local Retail Business District, as stated in Section 350.14(a) of the Codified Ordinances.

Calendar No. 04-287: 12814 Buckeye Road (Ward 4)

Helen Barclay Jones, owner, and Letha Moore, tenant, appeal to change the first floor of an existing two-story, mixed use building from a restaurant to a hair and nail salon, situated on a 45' x 118' lot in a Residence-Office District on the south side of Buckeye Road at 12814 Buckeye Road; contrary to Section 337.10, a hair and nail salon is not permitted in a Residence Office District but first permitted in a Local Retail Business District; and the proposed substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 8, 2004

At the meeting of the Board of Zoning Appeals on Monday, November 8, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 04-241: 2240 St. Clair Avenue

2240 St. Clair, Inc. appealed to change from a machine shop to four condominium units a two-story brick building in a Semi-Industry District.

Calendar No. 04-242: 4025 West 144th Street

Kevin Moody appealed to erect a 10' x 14' wooden deck to the front of a one family dwelling in a One-Family District; subject to conditions.

Calendar No. 04-243: 705-07 East 159th Street

Courts of Praise, tenant, and Collinwood Nottingham Development Corporation, owner, appeal to change the use of a private club building to a church and day care use in a Multi-Family District; subject to conditions.

Calendar No. 04-193: 2487 West 25th Street

George Sass appealed to construct a 60' x 60' building for a wrecking yard and sales of auto parts in a Semi-Industry District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 04-244: 7904 Cedar Avenue

Jaber Mahmoud appealed to replace an existing cabinet sign and add a cabinet sign on a free-standing 19' 2" sign pole in a Local Retail Business District.

The following appeal was **Postponed:**

Calendar No. 04-171: 8211 Platt Avenue postponed to December 13, 2004.

Calendar No. 04-224: Appeal of Anthony L. Woodard postponed to November 29, 2004.

The following appeals were **Dismissed:**

Calendar No. 04-239: 11402 Avon Avenue

Artsy Ford appealed to change the use of a one family dwelling house to a correctional halfway house in a Two-Family District.

Calendar No. 04-245: 13905 Tyler Avenue

Edward Warren appealed to erect a 24' x 36" "L" shaped rear room addition to a one family dwelling in a One-Family District.

In Executive Session on November 8, 2004, the following appeals heard by the Board on November 1, 2004 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 04-237: 2926 Chester Avenue

Albert M. Higley Company appealed to expand the lobby area of a one-story office building in a General Retail Business District.

Calendar No. 04-238: 7243 Kinsman Road

St. Teresa Holiness Science Church appealed to construct a 102' x 103' one-story church building and parking lot in split zoning for a Multi-Family and General Retail Business District.

The following appeal was **Denied:**

Calendar No. 04-231: 16502 Chatfield Avenue

Nandy and Meethradeo Budhar appealed to install 45' of 58" high solid wooden fence along the northeast side street yard of a corner lot in a B1 Two-Family District.

Calendar No. 04-240: 12775 Berea Road

Grand C. Corporation, d.b.a. AC Supply appealed to install an approximate 33 s/f, additional ID cabinet sign to an existing sign pole where there is a 72 s/f sign in a General Industry District.

Calendar No. 04-214: Appeal of Lakewood Hospital Assoc. 12409 Lorain Avenue

Lakewood Hospital Association appealed from a Notice of Violation issued by the Department of Building and Housing.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
November 3, 2004

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

* * *

Docket A-81-04.

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

No action this date, the docket will be rescheduled for November 17, 2004.

* * *

Docket A-89-04.

RE: Appeal of Pak Sun Lui, Owner of the Residential Property located on the premises known as 1537 East 31st Street from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated September 1, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the Appellant to construct the addition as indicated on the plans, with the following modifications: that the north wall be one-hour rated, that the window in the south wall be increased to five (5) feet of operable square footage for emergency egress, and that the floor joist be increased to 2-by-8's at sixteen (16) inches on center for the proper structural requirements. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-96-04.

RE: Appeal of Rysar Properties, Inc., Owner of the Two Story Residential Property located on the premises known as 3659 East 140th Street from a NOTICE OF VIOLATION — LEAKING FOUNDATION of the Director of the Department of Building and Housing, dated August 30, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that after reviewing the facts of the case, the Board has determined that the matter is not within their jurisdiction and that the property is REMAND-

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

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

* * *

Docket A-100-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 10322 Elk Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-101-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 797 East 90th Street from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-102-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 10415 Colonial Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-103-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 10318 Elk Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-104-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 10400 Elk Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-105-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 594 East 105th Street from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-106-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 10421 Colonial Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-107-04.

RE: Appeal of American Community Developers, Inc., Owner of the Property located on the premises known as 799 East 90th Street from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated August 10, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that after reviewing the facts of the case, the flue sizes, the material of construction of the flues, and the construction of the furnaces, including the draft safety switch, a motion is in order at this time to grant the variance and permit the furnaces to be installed as indicated with the provision that a carbon monoxide detector be installed in all the units in addition to the facts cited. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-108-04.

RE: Appeal of MRN Ltd., Owner of the Property located on the premises known as 308 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and approve the installation of the machineromless elevators at 308 Euclid Avenue, House Of Blues, based upon and subject to the final installation review by the elevator inspector and based upon his review of the compliance of the proposed elevator with the proposed A17.1 code revisions. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-110-04.

RE: Appeal of Minshall Development Co., Owner of the Property located on the premises known as 1301 East 9th Street (12th & 13th Floors) from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the vari-

ance and permit the fire rating to be achieved in the manner prescribed by the Appellant with the sprinkler heads on tempered glass six (6) feet on center off the domestic water system on both sides of the glass partition. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-111-04.

RE: Appeal of Minshall Development Co., Owner of the Property located on the premises known as 1300 East 12th Street (Suite 2900) from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated July 13, 2004, with an extended date to November 01, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the fire rating of the glass partition at 1300 East 12th Street to be achieved by sprinkler heads on both sides of the partition six (6) feet on center off the domestic water system. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-112-04.

RE: Appeal of EHDOC Shaker Boulevard Inc., Owner of the Winpinger Apartments located on the premises known as 12025 Shaker Boulevard from an ADJUDICATION ORDER, of the Director of the Department of Building and Housing, dated October 27, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-112-04 has been WITHDRAWN at the request of the Appellant.

* * *

EXTENSION OF TIME:

Docket A-62-04 - Eunice Spires - 2656 East Boulevard (aka 2656 M.L.K. Jr. Drive):

A motion is in order at this time to grant the Appellant an "Extension of Time" for abatement of all the violations on the property until May 1st, 2005. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-54-04—Raymond Perry.
- A-82-04—Tenille Robertson.
- A-90-04—Third Federal Savings & Loan.
- A-91-04—Vickie Sandell.
- A-92-04—Chris Vamvilis.
- A-99-04—I-X Center Corporation.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

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

October 20, 2004

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
on Community and Economic
Development**

**Mercedes Cotner
Committee Room
Cleveland City Hall,
601 Lakeside Avenue, Room 217
On Tuesday, November 16, 2004
9:30 A.M.**

Notice is hereby given in accordance with Chapter 324 of the Codified Ordinances of Cleveland, Ohio that the Council Committee on Community and Economic Development will hold a Public Hearing on November 16, 2004 at 9:00 a.m. in the Mercedes Cotner Committee Room, Cleveland City Hall, 601 Lakeside Avenue, Room 217, Cleveland, Ohio to consider Ordinance No. 849-04 relating to the existence of blight at the following properties and the necessity of acquiring said properties to eliminate the blight and prevent its recurrence: 17300 Lakeshore Boulevard and 1120 East 169th Street.

All interested persons are encouraged to attend or be represented at the Public Hearing in order to be heard and to present their views.

MERLE R. GORDON,
Chairwoman
Community and Economic
Development Committee

November 3, 2004 and November 10, 2004

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 17, 2004

Luke Easter Park Playground Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1114-02 and 2151-03, passed by the Council of the City of Cleveland, June 17, 2002 and December 15, 2003, respectively.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 11, 2004 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

November 3, 2004 and November 10, 2004

THURSDAY, NOVEMBER 18, 2004

West 122nd Street Sewer Replacement Project, for the Division of Water Pollution Control, Depart-

ment of Public Utilities, as authorized by Ordinance No. 839-04, passed by the Council of the City of Cleveland, June 14, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 12, 2004, AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 3, 2004 and November 10, 2004

WEDNESDAY, DECEMBER 1, 2004

Photographic Bureau Office Relocation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 837-02, passed by the Council of the City of Cleveland, June 10, 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 **MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 12, 2004 AT 10:00 A.M., DIVISION OF ARCHITECTURE, ROOM 517, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

November 3, 2004 and November 10, 2004

WEDNESDAY, DECEMBER 1, 2004

Laverne Avenue and Superior Avenue Sewer Relining, for Division of Water Pollution Control, Department of Public Utilities as authorized by Ordinance No. 644-03 and 837-04, passed by the Council of the City of Cleveland, July 16, 2003 and June 14, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 19, 2004 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 10, 2004 and November 17, 2004

WEDNESDAY, DECEMBER 8, 2004

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, NOVEMBER 23, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST.,

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One (1) Cab/Chassis with Fuel Tanker Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1683-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, DECEMBER 1, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

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

November 10, 2004 and November 17, 2004

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THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, DECEMBER 1, 2004 AT 1:00 P.M., PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM, CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 10, 2004 and November 17, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

**Monday, November 8, 2004
2:00 p.m.**

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

**Tuesday, November 9, 2004
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Reed, Lewis, Pierce Scott. *Authorized Absence:* Jones, Zone.

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