

The City Record

Official Publication of the Council of the City of Cleveland



January the Nineteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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

MAYOR – Jane L. Campbell

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

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

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

Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 1404 East 9th Street
Purchases and Supplies – 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 Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Bauknight, 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, Robert N. Brown, 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 Anita Laster Mays	14C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	12C
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	13C

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 19, 2005

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CITY COUNCIL

MONDAY, JANUARY 17, 2005

The City Record

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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

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 12, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 12, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Beasley, Acting Director Aboussal, Director Ciaccia, Acting Direc-

tor Szabo, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Absent: Director Fumich.

Others: Jim Hardy, Acting Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 5-05.

By Mayor Campbell.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 263-97, passed by the Council of the City of Cleveland on June 16, 1997, Mason Tillman Associates, Ltd is selected from a list of firms available for such employment and determined after a full and complete canvass by the Mayor, through the Director of the Office of Equal Opportunity, as the firm of consultants to be employed by contract for the purpose of supplementing the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct a disparity study of minority business enterprise (MBE) and female business (FBE) utilization as subcontractors by City contractors within the Cleveland contracting market.

Be it further resolved that the Mayor, on behalf of the Office of Equal Opportunity, is authorized to enter into contract with Mason Tillman Associates, Ltd based on its proposal dated October 15, 2004, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services referred to above and in the proposal for an aggregate fee of \$57,995, and shall contain such additional provisions as the Director of Law considers necessary to protect and benefit the public interest.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 6-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 17, 2004, for off-site media storage and electronic vaulting services necessary to store off-site back-up tapes for key servers as part of the City's

disaster recovery plan, for the various divisions of City Government, pursuant to the authority of Ordinance No. 1207-03, passed by the Council of the City of Cleveland on August 13, 2003, are rejected.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 7-05.

By Director Mok.

Whereas, pursuant to Ordinance No. 624-01, passed by Cleveland City Council on July 18, 2001, and Board of Control Resolution Nos. 133-03 and 344-04, adopted March 5, 2003 and June 9, 2004, respectively, the City, through its Director of Port Control entered into City Contract No. 60898 with O. R. Colan Associates, Inc. ("O. R. Colan") for turnkey acquisition, relocation and property management services for up to ninety-nine residential properties situated in Phase I/Zones 1 and 2 of the expansion zone as defined in the I-X Settlement Agreement by and between the City and Brook Park, dated November 20, 2001; and

Whereas, by letter dated November 1, 2004, O. R. Colan requested the City's consent to assign all of O. R. Colan's obligations and interests under City Contract No. 60898 to O. R. Colan Associates of Florida, LLC; and

Whereas, O. R. Colan Associates of Florida, LLC proposes to undertake all of O. R. Colan's obligations under said City Contract No. 60898 without waiving any of O. R. Colan's obligations or the City's rights under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the request by O. R. Colan by its November 1, 2004 letter, this Board consents to the assignment of City Contract No. 60898 for turnkey acquisition, relocation and property management services for up to ninety-nine residential properties situated in Phase I/Zones 1 and 2 of the expansion zone as defined in the I-X Settlement Agreement by and between the City and Brook Park, dated November 20, 2001 from O. R. Colan Associates, Inc. to O. R. Colan Associates of Florida, LLC effective November 15, 2004.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the consent authorized, provided that the terms of such assignment do not conflict with the terms and conditions of City Contract No. 60898. A copy of the consent to assignment of City Contract No. 60898 shall be filed in the office of the Commissioner of Accounts.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 8-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 835-02 passed by the Council of the City of Cleveland on June 3, 2002, the firm of M.L. Warner Architects, Ltd., is selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Service as the firm of architects ("Architect") to be employed by contract for the purpose of supplementing the regularly employed staff of the Division of Architecture in order to provide the professional services necessary for building improvements for the City Hall skylights and roof repairs.

Be it further resolved, that the Director of Public Service is authorized to enter into a written contract with M.L. Warner Architects, Ltd., based upon its proposal dated, September 23, 2004, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized shall not exceed Twenty Two Thousand and no/100 Dollars (\$22,000.00).

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

Nays: None.

Absent: Director Fumich.

Resolution No. 9-05.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on January 6, 2005 for the public improvement of sprinkler work at the former Aviation High School, for the Department of Public Service, under the authority of Ordinance No. 2066-04, passed by the Council of the City of Cleveland on October 25, 2004, are rejected.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 10-05.

By Director Ronayne.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 11, 2004, for hot water heaters for the Cleveland Convention Center, for the Division of Convention Center & Stadium, Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance No. 1273-04, passed by the Council of the City of Cleveland on August 11, 2004, are hereby rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Director Abousserhal, Director Ciaccia, Acting Director Szabo, Directors Ricchiuto, Car-

roll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 11-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 103-24-006, 103-24-007 and 103-24-028, located at East 43rd and 46th Streets under said Land Reutilization Program; and

Whereas, Ordinance No. 1511-04 passed December 6, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1511-04 passed December 6, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel Nos. 103-24-006, 103-24-007 and 103-24-028, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: Director Fumich.

Resolution No. 12-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 015-16-117, located at West 44th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 2122-04 passed December 6, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2122-04 passed Decem-

ber 6, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network, Inc. for the sale and development of Permanent Parcel No. 015-16-117, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: Director Fumich.

Resolution No. 13-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 111-01-009 (Easterly part of) and 111-01-010, located at St. Clair Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1501-04 passed December 6, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Dawud Ali has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1501-04 passed December 6, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Dawud Ali for the sale and development of Permanent Parcel Nos. 111-01-009 (Easterly part of) and 111-01-010, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$14,800, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 14-05.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with

the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 107-04-007, 107-04-017 107-04-018, 107-05-004, 107-05-007, 107-05-008, 107-05-019, 107-05-022, 107-05-066, 107-05-072, 107-05-116, 107-05-124, 107-06-002 and 107-06-006, located at scattered sites under said Land Reutilization Program; and

Whereas, Ordinance No. 1514-04 passed December 6, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, St. Clair-Superior Neighborhood Development Association has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1514-04 passed December 6, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with St. Clair-Superior Neighborhood Development Association for the sale and development of Permanent Parcel Nos. 107-04-007, 107-04-017, 107-04-018, 107-05-004, 107-05-007, 107-05-008, 107-05-019, 107-05-022, 107-05-066, 107-05-072, 107-05-116, 107-05-124, 107-06-002 and 107-06-006, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: Director Fumich.

Resolution No. 15-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 119-32-019 located at East 86th Street in Ward 6; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Larry Newsome for the sale and development of Permanent Parcel No. 119-32-019 located at East 86th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: Director Fumich.

Resolution No. 16-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 007-07-131 located at West 36th Street in Ward 14; and

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

Whereas, Dennis Brangard and Linda Brangard, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the

City of Cleveland, with Dennis Brangard and Linda Brangard for the sale and development of Permanent Parcel No. 007-07-131 located at West 36th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: Director Fumich.

Resolution No. 17-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on December 3, 2004, for the rehabilitation of Euclid Avenue between City of East Cleveland Corporation Line and the City of Euclid Corporation line, for the Division of Engineering and Construction, Department of Public Service, pursuant to the authority of Ordinance No. 2333-03, passed by the Council of the City of Cleveland on February 9, 2004, are rejected.

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

Nays: None.

Absent: Director Fumich.

Resolution No. 18-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on December 10, 2004, for the rehabilitation/reconstruction of West 105th Street for the Division of Engineering and Construction, Department of Public Service, pursuant to the authority of Ordinance No. 1980-02, passed by the Council of the City of Cleveland on October 21, 2002, as amended by Ordinance No. 2330-03, passed by the Council of the City of Cleveland on February 9, 2004, are rejected.

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

Nays: None.

Absent: Director Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

CIVIL SERVICE NOTICES

PROPOSED AMENDMENT TO THE RULES OF THE CIVIL SERVICE COMMISSION

6.10 Notice of Vacancy

Before any position in the classified service shall be filled the appointing authority shall make a written request of the Commission for the certification of the names of eligibles for such position and shall state whether the employment is to be permanent or temporary, and if temporary, the duration and conditions of employment. Upon receipt of such request, the Commission shall certify to the appointing authority the names and addresses of the three (3) persons standing highest on the eligible list, *unless there are: (1) individuals qualified for the position who are on layoff status from any classification with the City of Cleveland for a period of less than two (2) years who must be considered, or (2) individuals on a bona fide seasonal seniority list for the classification. This section does not supercede any collective bargaining agreements.*

If there is more than one position to be filled, the number of names to be certified shall be determined by taking the next higher multiple of four above the number of vacancies, dividing it by two and adding the quotient to the number of vacancies except where the number of vacancies is itself a multiple of four (4) in which case the number of vacancies is divided by two (2) and the quotient added to the number of vacancies.

Nothing herein contained shall be so construed to prevent the Commission from certifying a larger number of eligibles, if, in the opinion of the Commission such action would be in the best interest of the service. However, when there is no eligible list for the exact position to be filled the Commission may certify eligibles from the eligible list most nearly appropriate to the position to be filled.

REYNALDO GALINDO,
President

January 19, 2005 and January 26, 2005

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 31, 2005

9:30 A.M.

Calendar No. 04-300: 3666 West 139th Street (Ward 20)

Judith Muldoon, owner, appeals to install approximately 105 l/f of 6' high wooden fence on a 1 1/2' retaining wall for a total fence height of 7 1/2' at the north side of an existing one family dwelling situated on a 40' x 140' lot in an A1 One-Family District on the west side of West 139th Street at 3666 West 139th Street; subject to the Fence Regulations for a Residential District, Section 358.04(a) allows a maximum height of 6' for a fence in the actual side yard and as proposed, the fence with the retaining wall, is a 6' height when measured from the side facing the applicant's property and is a 7 1/2' height when measured from the side facing the neighbor's property.

Calendar No. 04-330: Appeal of North Coast Payphones/ClevePhones, Inc. North Coast Payphones/ClevePhones, Inc. c/o Howard Meister, president, appeals under Section 76-6 of the Charter of the City of Cleveland from an order to remove outdoor payphones from thirteen (13) sites, identified by the Commissioner of Assessments and Licenses on December 14, 2004, under the authority of Section 670B.06, where the appellant is ordered to remove the payphones that have been declared a nuisance by the Director of Public Safety.

Calendar No. 04-335: 3855 East 147th Street (Ward 3)

Cleveland Housing Network c/o Paul Kapczuk, owner, appeals to erect a 26' x 14' one-story, frame room addition to the rear of an existing one-story single family dwelling, situated on a 40' x 195' lot, located in an A1 One-Family District on the east side of East 147th Street at 3855 East 147th Street; the interior side yards of 1' 6" being contrary to the 3' requirement and Section 359.01(A) requires the Board of Zoning Appeals approval for the expansion of an existing nonconformance.

Calendar No. 04-337: 11601 Wade Park Avenue (Ward 9)

Rysar Properties, owner c/o Tim Goldstein, appeal to construct a 27' x 59' two-story residential structure and parking spaces to be used for student and visitor boarding, offices and meetings of the Case Western Reserve University Engineering Alumni Association, situated on a 45' x 190' lot situated in split zoning for A1 One Family and B1 Two-Family Districts on the north side of Wade Park Avenue at 11601 Wade Park Avenue; subject to Section 337.02(f), the proposed uses by a non-profit organization require the Board of Zoning Appeals approval to determine if there are adequate yard spaces and other safeguards to preserve the character of the neighborhood, and if such building and uses are appropriately located and

designed and meet a community need without adversely affecting the neighborhood; and either an opaque wall or fence that is a minimum height of 3' or a densely planted, 4' wide landscape strip that provides a year round screen is required where five or more accessory off-street parking spaces adjoin residential property, as stated in Section 349.08 of the Codified Ordinances.

Calendar No. 05-1: 18101 Lorain Avenue (Ward 21)

Fairview Hospital c/o owner, Paul Slebodnik, appeals to erect an addition to an existing surgery center building, situated on acreage located in a Local Retail Business District on the south side of Lorain Avenue at 18101 Lorain Avenue; contrary to Section 357.04(a), the proposed addition is setback 8.2' and the stairwell is setback approximately 10.5' where there is a 15' specific building line front yard setback along Lorain Avenue and no portion of a building nor structure shall be erected above grade level within that front yard setback.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

TUESDAY, JANUARY 18, 2005

At the meeting of the Board of Zoning Appeals on Tuesday, January 18, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-320: 12705 Buckeye Road
Christian Valley Baptist Church appealed to erect a one-story addition to the east side of a church building in a Residence Office District.

Calendar No. 04-324: 4700 Marcie Drive
Thomas and Carolyn Bennett appealed to install 24' of 6' high wooden fence facing east and north along portions of a corner lot in an A1 One-Family District.

The following appeals were **Denied:**

None.

The following appeal was **Withdrawn:**

Calendar No. 04-290: Erieview Land Company LLC, 1301 East 9th Street
Erieview Land Company LLC, appealed from a Violation Notice issued October 29, 2004 by the Department of Building and Housing.

The following appeal was **Dismissed:**

Calendar No. 04-322: 11415-39 St. Clair Avenue
City of Cleveland Land Bank, owner, and Dave Ali, prospective

purchaser, appealed to construct a parking lot in a Local Retail Business District.

The following appeals were **Postponed:**

Calendar No. 04-321: 13528-30 Miles Avenue postponed to February 22, 2005.

Calendar No. 04-323: 10705 Superior Avenue postponed to February 22, 2005.

Calendar No. 04-325: 525 Literary Road postponed to January 31, 2005.

Calendar No. 04-326: 619 Literary Road postponed to January 31, 2005.

Calendar No. 04-259: 917 East 105th Street postponed to February 22, 2005.

In Executive Session on January 18, 2005, the following appeals heard by the Board on January 10, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 04-314: 936 East 152nd Street
Walter Williams appealed to construct two commercial buildings on a corner lot in split zoning for Local Retail Business and Two-Family Districts.

Calendar No. 04-315: 11919-21 Lorain Avenue
Property Enterprise of Ohio LLC and Walk of Faith Fellowship appeal to establish a teen "drop-in" center in a General Retail Business District.

Calendar No. 04-316: 623 Euclid Avenue
MRN Ltd appealed to expand a nonconforming use of an existing commercial building in a General Retail Business District.

Calendar No. 04-318: 11021 East Boulevard
Cleveland Institute of Music appealed to place two trailers for a temporary period of time during construction in a Multi-Family District.

Calendar No. 04-258: 14024-26 Triskett Road
Mark DeVault appealed to install a wall sign to be painted on a commercial building in a Local Retail Business District.

Secretary

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

Re: Report of the Meeting of
January 12, 2005

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is

given for publication in The City Record:

* * *

Docket A-127-02.

RE: Appeal of S.R. Products, Owner of the Property located on the premises known as 13309-11 Union Avenue from a DENIAL OF PERMIT APPLICATIONS — FIRE CODE of the Chief of the Division of Fire, dated July 9, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 13309-11 Union Avenue to the Division of Fire for 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-175-02.

RE: Appeal of S.R. Products, Owner of the Property located on the premises known as 13309-11 Union Avenue from a DENIAL OF PERMIT APPLICATIONS — FIRE CODE of the Chief of the Division of Fire, dated July 9, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 13309-11 Union Avenue to the Division of Fire for 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-117-04.

RE: Appeal of Roosevelt Taylor, Owner of the Residential Property located on the premises known as 3816 East 153rd Street from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated November 15, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-117-04 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-118-04.

RE: Appeal of Faith Temple Church c/o Sigcom Group Inc., Owner of the Property located on the premises known as 7035 Lexington Avenue from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated October 15, 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 find that the project was abandoned in accordance with the Codified Ordinance 3103.25; the property is REMANDED at this time to the Department of

Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-123-04.

RE: Appeal of Argent Mortgage Co., Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 3251 East 90th Street from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated October 16, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-123-04 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-134-04.

RE: Appeal of Janice M. Ridgeway, Owner of the Two & One-half Story Wood Frame Residential Property located on the premises known as 1568 East 108th Street from a 30 DAY CONDEMNATION ORDER — MS & GARAGE/EXTERIOR MAINTENANCE of the Director of the Department of Building and Housing, dated November 3, 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 require that permits be upgraded within three (3) weeks and to grant the Appellant three (3) months in which to abate the violations and to complete construction of the property by May 01st, 2005; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-135-04.

RE: Appeal of Emad Wahba and Karin Bouzaher, Owners of the Two & One-half Story Frame Residential Property located on the premises known as 10806 Lake Avenue from a 30 DAY FIRE CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated November 3, 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 time extensions as follows: the requirement for all permits to be obtained by February 15th, 2005, the requirement for the windows to be installed by February 15th, 2005 and the siding installed by March 15th, 2005 and completion up to a level suitable for a certificate of occupancy by 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.

* * *

Docket A-136-04.

RE: Appeal of Emad Wahba and Karin Bouzaher, Owners of the Two Family Residential Property located on the premises known as 1440 West 57th Street from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated December 18, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required this date, the docket will remain open for any future appeals.

* * *

EXTENSION OF TIME:

Docket A-40-04 - Tree Of Hope Enrichment Center - 17877 St. Clair Avenue:

A motion is in order at this time to grant the Appellant a ninety (90) day "Extension of Time" in which to complete abatement of the violations on the property, with the occupancy of fifty (50) children. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab 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-121-04—Arqile Jani.

A-131-04—Saul Montos Garcia.

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

* * *

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley 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-132-04—MRN Ltd.

A-137-04 — City of Cleveland Browns Stadium.

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

* * *

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

A-133-04—MRN Ltd.

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

* * *

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

A-138-04—Playhouse Square Foundation.

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

* * *

APPROVAL OF MINUTES:

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

December 15, 2005

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

ESTABLISHMENT OF THE PLAYHOUSE SQUARE COMMUNITY ENTERTAINMENT DISTRICT

Notice is hereby given in accordance with Chapter 699A of the Codified Ordinances of the City of Cleveland and Section 4301.80 of the Ohio Revised Code that the City of Cleveland will hold a Public Hearing on:

Date: Wednesday, February 2, 2005

Time: 1:00 P.M.

Place: Cleveland City Council, Room 220 Cleveland City Hall 601 Lakeside Avenue Cleveland, Ohio 44114

for the purpose of soliciting public comment on a proposal to establish a Community Entertainment District in the Playhouse Square area of downtown Cleveland (Ordinance No. 45-05). A copy of the application is on file and is available for public inspection during normal business hours in the office of the Clerk of City Council and in the office of the City Planning Commission in Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio.

Valarie J. McCall
City Clerk, Clerk of Council
Cleveland City Council

January 19, 2005 and January 26, 2005

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, JANUARY 28, 2005

Collinwood Athletic Complex, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 2243-03 and 1670-04, passed by the Council of the City of Cleveland, December 15, 2003 and November 15, 2004, 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 **MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 20, 2005 AT 2:00 P.M., BURKE LAKEFRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114. **THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

Department of Public Service Sprinkler Work (Former Aviation High School), for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2066-04, passed by the Council of the City of Cleveland, October 25, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 20, 2005 AT 10:00 A.M., DIVISION OF ARCHITECTURE, CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 12, 2005 and January 19, 2005

WEDNESDAY, FEBRUARY 2, 2005

Sport Utility Vehicle (SUV) 4X4, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 25, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

Animal Transport Van Interior, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 25, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

Purchase of Auto and Truck Batteries, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 772-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 27, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

January 12, 2005 and January 19, 2005

WEDNESDAY, FEBRUARY 2, 2005

Luke Easter 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, JANUARY 27, 2005 AT 10:00 A.M., BURKE LAKE-

FRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

January 19, 2005 and January 26, 2005

THURSDAY, FEBRUARY 3, 2005

Franklin Avenue/West 25th Street Area Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 841-04, 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, JANUARY 28, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

January 19, 2005 and January 26, 2005

FRIDAY, FEBRUARY 4, 2005

Hot Water Heaters, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1273-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 27, 2005 AT 10:00 A.M., CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Contract 1: Repairing and Constructing Curb Ramps in Areas of the City of Cleveland, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 2301-04 pending.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 27, 2005 AT 11:00 A.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Tree Planting, for Various Divisions Throughout the City of Cleveland, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 152-02 and 2059-04, passed by the Council of the City of Cleveland, January 28, 2002 and November 15, 2004, respectively.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 28, 2005 AT 11:00 A.M., URBAN FORESTRY, 1ST FLOOR CONFERENCE ROOM, 750 EAST 88TH STREET, CLEVELAND, OHIO.

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

January 19, 2005 and January 26, 2005

WEDNESDAY, FEBRUARY 9, 2005

One (1) Cable Pulling Device Rehabilitation, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

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

Mower Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 927-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, FEBRUARY 1, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

January 19, 2005 and January 26, 2005

FRIDAY, FEBRUARY 25, 2005

Sodium Hypochloride Solution, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 4, 2005 AT 1:30 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

January 19, 2005 and January 26, 2005

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 16-05.**

By Council Member Britt.

An emergency resolution withdrawing objections to the renewal of a C2 and C2X Liquor Permit at 2249 East 105th Street and repealing Resolution Nos. 1286-03 and 1544-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2249 East 105th Street by Resolution No. 1286-03 adopted by the Council on July 16, 2003 and Resolution No. 1544-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objections to a C2 and C2X Liquor Permit to Jerry Saa, DBA PNG Supermarket, 2249 East 105th Street, Cleveland, Ohio 44106, Permanent Number 7644062 be and the same is hereby withdrawn and Resolution No. 1286-03 and Resolution No. 1544-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 10, 2005.

Effective January 12, 2005.

Res. No. 17-05.

By Council Member Johnson.

An emergency resolution objecting to a New C1 Liquor Permit at 11201 Forest Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Andrew Rich, 11201 Forest Avenue, Cleveland, Ohio 44104, Permanent Number 7346630; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Andrew Rich, 11201 Forest Avenue, Cleveland, Ohio

44104, Permanent Number 7346630; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 10, 2005.

Effective January 12, 2005.

Res. No. 18-05.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of a liquor license of a D1, D2, D3 and D3A Liquor Permit to 1213 West 6th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of a liquor license of a D1, D2, D3 and D3A Liquor Permit from Hanada Corp., DBA Sol Tushman Rcvr., 5400 Broadway Avenue, 1st floor and basement, Cleveland, Ohio 44127, Permanent Number 3564850 to Flo Café, LLC, 1213 West 6th Street, Cleveland, Ohio 44113, Permanent Number 2786257; 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 D1, D2, D3 and D3A Liquor Permit from Hanada Corp., DBA Sol Tushman Rcvr., 5400 Broadway Avenue, 1st floor and basement, Cleveland, Ohio 44127, Permanent Number 3564850 to Flo Café, LLC, 1213 West 6th Street, Cleveland, Ohio 44113, Permanent Number 2786257, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 10, 2005.
Effective January 12, 2005.

Res. No. 19-05.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit at 2121 Euclid Avenue and repealing Resolution No. 1982-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 2121 Euclid Avenue by Resolution No. 1982-04 adopted by the Council on October 11, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1 and D2 Liquor Permit to Aramark Educational Services, Inc., DBA Tortilla Fresca, 2121 Euclid Avenue, bsmt., southwest corner, Cleveland, Ohio 44115, Permanent Number 02520690015 be and the same is hereby withdrawn and Resolution No. 1982-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

Adopted January 10, 2005.
Effective January 12, 2005.

Res. No. 20-05.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 910 East 185th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Mascot Petroleum Co., Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 56036170115 to Sunoco, Inc., R & M, DBA Sunoco 6045, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 86967980080; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Mascot Petroleum Co., Inc., DBA Sunoco Sunmart, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 56036170115 to Sunoco, Inc., R & M, DBA Sunoco 6045, 910 East 185th Street, Cleveland, Ohio 44119, Permanent Number 86967980080; and

requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 10, 2005.
Effective January 12, 2005.

Res. No. 21-05.

By Council Member White.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 4591 Turney Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Joan Tirpak, DBA Johnny's Club, 4591 Turney Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8945759 to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent Number 2262582; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised

Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore.

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Joan Tirpak, DBA Johnny's Club, 4591 Turney Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8945759 to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent Number 2262582; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 10, 2005.

Effective January 12, 2005.

Res. No. 22-05.

By Council Member White.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit at 10808 Dove Avenue, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Hizma, Inc., DBA Dove Mini Market, 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 3875405 to Ocean, Inc., 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 6503136; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Hizma, Inc., DBA Dove Mini Market, 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 3875405 to Ocean, Inc., 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 6503136; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 10, 2005.

Effective January 12, 2005.

Res. No. 46-05.

By Council Members Zone, Reed, Cimperman, Jackson, Britt, Gordon and Westbrook.

An emergency resolution declaring the last week of January of each year "Live Theater Week" in the City of Cleveland.

Whereas, beginning with the world's first dramatic performance held on the banks of the Nile River in 2000 B.C., live theater has established itself as an indispensable form of human expression by offering the value of insight that comes from seeing the world through the eyes of others; and

Whereas, live theater is among Cleveland's many notable arts and culture achievements; and

Whereas, live theater attracts patrons to the City of Cleveland; and

Whereas, live theater is an important community resource enriching the cultural fabric of Cleveland and our region by bringing to life ideas representing the

complex diversity held by this region and the world;

Whereas, live theater serves as a powerful force to dissolve misunderstandings and dispel stereotypes; and

Whereas, live theater is a cherished art form within this community and deserves financial and moral support; and

Whereas, this Council wishes to promote public awareness of and appreciation for Cleveland's live theaters by declaring the last week of January of each year "Live Theater Week"; and

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

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

Section 1. That this Council declares the last week of January of each year "Live Theater Week" in the City of Cleveland.

Section 2. That the Clerk of Council is requested to send a copy of this resolution to the Community Partnership for Arts and Culture and The Greater Cleveland Growth Association.

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

Adopted January 10, 2005.

Effective January 12, 2005.

Ord. No. 1461-04.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the U.S. Department of Labor, Employment and Training Administration for the Year 5 Youth Opportunity Program; and to enter into one or more contracts with Vocational Guidance Services, Inc. for the continued development, operation, and implementation of the program.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$3,304,385.00, from the U.S. Department of Labor, Employment and Training Administration, to conduct the Year 5 Youth Opportunity Program, for the purposes in the summary; that the Director of Economic Development 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.

Section 2. That the summary for the grant, File No. 1461-04-A, made a

part as if fully rewritten, is approved in all respects.

Section 3. That the Director of Economic Development is authorized to enter into one or more contracts with Vocational Guidance Services, Inc. for the continued development, operation, and implementation of the program as described in the file and is payable from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Passed January 10, 2005.
Effective January 12, 2005.

Ord. No. 2197-04.

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

An emergency ordinance authorizing the retention and use of revenue by the general fund from tax remittances collected by Cleveland Public Power during the year 2005, and authorizing Cleveland Public Power to apply any remaining proceeds from previously collected tax remittances and interest thereon, and up to \$2 million from revenues generated by an existing charge, to the replacement of copper naphthenate poles in the Cleveland Public Power System, for other capital improvements in the Cleveland Public Power System, or for payment of bonded indebtedness.

Whereas, under Ordinance No. 910-98, passed February 14, 2000, this Council authorized, among other things, that Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of the tax remittances due the City collected by Cleveland Public Power under Section 5727.81 of the Revised Code; and

Whereas, under Ordinance No. 1886-02, passed October 28, 2002, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2003 and authorized Cleveland Public Power to apply up to \$1 million from revenues generated by an increase in the incremental charge described in Ordinance No. 910-98, and up to \$1 million of tax remittances collected by Cleveland Public Power under Section 5727.81 of the Revised Code prior to January 1, 2003, to the cost in calendar year 2003 of replacing utility poles treated with copper naphthenate in the Cleveland Public Power distribution system; and

Whereas, under Ordinance No. 2088-03, passed October 27, 2003, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2004 and authorized Cleveland Public Power to apply up to \$2 million from previously collected tax remittances and up to \$2 million from revenues generated by an existing charge to the replacement of copper naphthenate

poles in the Cleveland Public Power distribution system during 2004; and

Whereas, legislative authority is necessary to permit the general fund to retain tax remittances collected by Cleveland Public Power during calendar year 2005 and to authorize Cleveland Public Power to apply up to \$2 million from the incremental charge described in Ordinance No. 910-98, and any remaining proceeds of tax remittances collected by Cleveland Public Power under Section 5727.81 of the Revised Code prior to January 1, 2003, to the cost of replacing copper naphthenate poles, for other capital improvements to the Cleveland Public Power system, or for payment of bonded indebtedness; 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 Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, and Ordinance No. 2088-03, passed October 27, 2003, the general fund shall retain 100% of the tax remittances collected under Section 5727.81 of the Revised Code during calendar year 2005.

Section 2. That, notwithstanding and as an exception to Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, and Ordinance No. 2088-03, passed October 27, 2003, Cleveland Public Power is authorized to apply up to \$2 million from revenues generated by the increase in the incremental charge described in Ordinance No. 910-98, and any remaining proceeds of tax remittances and interest thereon collected by Cleveland Public Power under Section 5727.81 of the Revised Code prior to January 1, 2003, to the cost in calendar year 2005 of replacing utility poles treated with copper naphthenate in the Cleveland Public Power system, for other capital improvements to the Cleveland Public Power system, or for payment of bonded indebtedness.

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

Passed January 10, 2005.
Effective January 12, 2005.

Ord. No. 12-05.

By Council Members Polensek, O'Malley, Westbrook, Brady and Dolan.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Ward(s) 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program for the public purpose of promoting restoration and preservation of historic homes in the City of Cleveland through the use of ward(s) 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$77,500 and shall be paid from Fund No. 10 SF 166.

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

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

Passed January 10, 2005.
Effective January 12, 2005.

Ord. No. 15-05.

By Council Member Westbrook.

An emergency ordinance to amend Section 670B.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 583-04 passed April 5, 2004 relating to outdoor pay telephones.

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

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

Section 1. That Section 670B.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 583-04, passed April 5, 2004 is hereby amended to read as follows:

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

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

(b) No person shall engage in the business of providing and installing outdoor pay telephones in the public right-of-way, and no person shall install, place or maintain an outdoor pay telephone within the public right-of-way unless the owner of the

telephone has entered into a biennial contract with the Director that grants to such owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter. This prohibition also applies to any outdoor pay telephone that is attached to or mounted on a building or other structure when such telephone extends above or into the right-of-way, and any outdoor pay telephone located in the right-of-way that is attached to a building or structure by a wire or cable.

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

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

(1) On any vacant private property or any public right-of-way adjacent thereto;

(2) On any private property or any public right-of-way adjacent thereto, where any or all buildings are vacant;

(3) On any private property or any public right-of-way adjacent thereto, that has a premises licensed for the sale of alcoholic liquor (other than beer or wine);

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

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

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

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

(8) On any public right-of-way adjacent to private property where an outdoor pay telephone has been previously removed; or

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

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

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

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

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

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

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

(k) For the purposes of this section, the submission of a completed application for a permit for a tele-

phone on private property or in the right-of-way, shall be considered a placement of a pay telephone.

Section 2. That existing Section 670B.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No 583-04 passed April 5, 2004 is hereby repealed.

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

Passed January 10, 2005.

Effective January 12, 2005.

COUNCIL COMMITTEE MEETINGS

**Monday, January 10, 2005
11:00 a.m.**

Employment, Affirmative Action & Training Committee: Present: Lewis, Chair; Conwell, Vice Chair; Coats, Johnson, Reed. *Authorized Absence:* Cintron, Polensek. Member Pro-Tempore: O'Malley.

2:00 p.m.

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

**Tuesday, January 11, 2005
9:30 a.m.**

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

**Wednesday, January 12, 2005
1:30 p.m.**

Public Utilities Committee: Present: Coats, Chair; O'Malley, Vice Chair; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

**Tuesday, January 18, 2005
9:30 a.m.**

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

1:30 p.m.

Legislation Committee: Present: White, Chair; Dolan, Gordon, Rybka, Westbrook. *Authorized Absence:* Pierce Scott, Vice Chair; Johnson.

**Wednesday, January 19, 2005
10:00 p.m.**

Aviation and Transportation Committee: Present: Westbrook, Chair; Sweeney, Vice Chair; Britt, Dolan, Gordon, Rybka. *Authorized Absence:* Reed.

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