

The City Record

Official Publication of the Council of the City of Cleveland



May the Nineteenth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840		
	First Assistant Clerk – Sandra Franklin		
MAYOR – Jane L. Campbell			
	Debra M. Janik, Chief of Staff		
	Darnell Brown, Chief Operating Officer		
	Timothy Mueller, Executive Assistant		
	Craig Tame, Executive Assistant		
	Galen L. Schuerlein, Executive Assistant		
	_____, Director, Office of Equal Opportunity		
	Margreat A. Jackson, Legislative Affairs Liaison		
	Erik Janas, Inter-Governmental Affairs Officer		
	Lorna Wisham, Chief Public Affairs Officer		
DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106			
	Karen E. Martines, Law Librarian, Room 100		
DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;			
	Frank Badalamenti, Manager, Internal Audit		
	DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19		
	Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122		
	City Treasury – Algeron Walker, Treasurer, Room 115		
	Financial Reporting and Control – James Gentile, Controller, Room 18		
	Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street		
	Purchases and Supplies – Myrna Branche, Commissioner, Room 128		
	Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue		
	Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue		
DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue			
	DIVISIONS – 1201 Lakeside Avenue		
	Cleveland Public Power – James F. Majer, Commissioner		
	Street Lighting Bureau – _____, Acting Chief		
	Utilities Fiscal Control – Dennis Nichols, Commissioner		
	Water – Julius Ciaccia, Jr., Commissioner		
	Water Pollution Control – 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 – Kevin G. Gerrity, Chief, 1645 Superior Avenue		
	Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street		
DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director			
	Cleveland Convention Center, Clubroom A, 1220 East 6th Street		
	DIVISIONS: Convention Center & Stadium – James Glending, Commissioner		
	Public Auditorium, East 6th Street and Lakeside Avenue		
	Parking Facilities – Dennis Donahue, Commissioner		
	Public Auditorium, East 6th Street and Lakeside Avenue		
	Park Maintenance and Properties – Richard L. Silva, Commissioner		
	Public Auditorium – East 6th Street and Lakeside Avenue		
	Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard		
	Recreation – Michael Cox, Commissioner, Room 8		
	Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road		
	Burke Lakefront Airport		

DEPT. OF COMMUNITY DEVELOPMENT – 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 – _____, Director, Room 210		
DEPT. OF AGING – Jane E. Fumich, Director, Room 122		
DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director		
COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.		
CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.		
SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.		
BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, Secretary.		
BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.		
BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.		
BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.		
BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director Michael G. Konicek; Council President Frank G. Jackson.		
CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.		
FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.		
HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.		
FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.		
CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman; Clint Martin, Mark Rivera.		
MORAL CLAIMS COMMISSION – Law Director Subodh Chandra; Chairman; Finance Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.		
BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Baulknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.		
BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorik, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.		
CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.		
CLEVELAND MUNICIPAL COURT		
JUSTICE CENTER – 1200 ONTARIO STREET		
JUDGE COURTROOM ASSIGNMENTS		
	Judge	Courtroom
	Presiding and Administrative Judge Larry A. Jones	14B
	Judge Ronald B. Adrine	15A
	Judge Emanuella Groves	13A
	Judge Mabel M. Jasper	14D
	Judge Kathleen Ann Keough	13D
	Judge Mary Eileen Kilbane	14C
	Judge Anita Laster Mays	12C
	Judge Lauren C. Moore	12B
	Judge Raymond L. Pianka (Housing Court Judge)	13B
	Judge Angela R. Stokes	15C
	Judge Pauline H. Tarver	12A
	Judge Robert J. Trozzi	14A
	Judge Joseph J. Zone	13C
Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate		

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, MAY 19, 2004

No. 4719

CITY COUNCIL

MONDAY, MAY 17, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 17, 2004

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

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

Also present were Mayor Campbell, Chief of Staff Janik, Chief Operating Officer Brown, Director Chandra, Chief Assistant Director of Law Langhenry, Directors Baker, Konicek, Mok, Carroll, Watson, N. Ronayne, Rush, Williams, Routen, Fumich, Taylor, Johnson and C. Ronayne and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Michael D. Holmes of Good Shepherd Baptist Church, located at 17822 Euclid Avenue in Ward 10. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 959-04.

From Cleveland Foodbank — 2003 Annual Report, Community Partners for the Common Good. Received.

File No. 960-04.

From Cleveland City Council, Community and Economic Development Committee — Economic Challenges and Opportunities, Booklet. Received.

File No. 961-04.

From the Ohio Department of Transportation — executed co-operative contract, Cuyahoga County-City of Cleveland, Project No. 293(04), West 3rd Street. Received.

File No. 962-04.

From Community Re-Entry Program — support of legislation to reduce discrimination against people with records, new Chapter 187A. Received.

File No. 963-04.

From Trinity Cathedral — 2003 Annual Report. Received.

File No. 964-04.

From the Rock & Roll Hall of Fame and Museum — 2004 Spring issue, Internotes. Received.

File No. 965-04.

From Wachovia Bank, National Association — amendment to File No. 808-04, to disregard Non-Renewal notice. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 966-04.

Re: New Application — 14050630010 — Sukhdev S. Chauhan, d.b.a. Tower Food Mart, 4519 Bush Avenue, first floor. (Ward 15). Received.

File No. 967-04.

Re: Transfer of Ownership Application — 2760315 — Five Star Robin, Inc., d.b.a. Mike's Food Mart, 3850 East 65th Street, first floor only. (Ward 12). Received.

STATEMENT OF WORK ACCEPTED

File No. 968-04

From the Department of Public Service — Contract No. 61106 — T & F Systems, Inc. — Roof Rehabilita-

tion at Harvard Yards Service Facility (Phase 2). Received.

File No. 969-04.

From the Department of Public Service — Contract No. 60592 — Schirmer Construction Company — Fire Station No. 39 Alterations. Received.

File No. 970-04.

From the Department of Parks, Recreation and Properties — Contract No. 61748 — F. Buddie Contracting Co., Ltd. — East Boulevard Fence Improvements. Received.

PLATS

File No. 971-04.

Street Dedication Plat, Cleveland Metropolitan Housing Authority. (Ward 5). Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 944-04—Leroy Thompson.
Res. No. 972-04 — Ronald Lorenzo Scott.

Res. No. 973-04 — Joseph Vedova.
Res. No. 974-04 — James (Jaime) McManamon.

Res. No. 975-04—Irva Kennedy.
Res. No. 976-04—Bert L. Wolstein.

CONGRATULATION RESOLUTIONS

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

Res. No. 977-04 — Daniel Patrick Lally.

Res. No. 978-04—Shedrick Francois Rodgers.

Res. No. 979-04—Sankofa Fine Art Plus.

Res. No. 980-04—Peter Pudner.
Res. No. 981-04—Shams Muhammad.

Res. No. 982-04—Robert Ma.
Res. No. 983-04 — Marina Marquez Zenkov

APPRECIATION RESOLUTIONS

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

Res. No. 984-04 — Roger Kacirek.
Res. No. 985-04 — Talbert "Bert" Jennings.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 905-04.

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

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons, and curbs encroaching upon the public right-of-way, adjustment of castings, as necessary, and grading, seeding or re-seeding tree lawns, as necessary, on Catalpha Road from Euclid Avenue to the north end; and Cleveland Road from St. Clair to Taft Avenue.

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

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

Section 1. That the assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons, and curbs encroaching upon the public right-of-way, adjustment of castings, as necessary, and grading, seeding or re-seeding tree lawns, as necessary on Catalpha Road from Euclid Avenue to the north end; and Cleveland Road from St. Clair to Taft Avenue (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 545-02, adopted April 1, 2002, as amended by Ordinance No. 1102-03, passed June 10, 2003, and amounting in the aggregate to \$249,258.62, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 905-04-A, is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement fifty percent (50%) of each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council finds and determines that the revised assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

Section 5. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

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

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

Ord. No. 906-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to maintain and support the PeopleSoft Financial Management System, for a period of six months, with one option to renew for an additional six month period and two additional options to renew for one year periods each.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to maintain and support the PeopleSoft Financial Management System.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and certified and approved by the Director of Finance. The contract or contracts shall be prepared by the Director of Law and shall be for a period of six months, with one (1) option exercisable by the Director of Finance to renew for an additional six-month period, and two (2) additional options to renew for one year periods each, and cancelable on thirty days written notice by the director.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-151101-661600, Request No. 146209.

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

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

Ord. No. 907-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of Microsoft licenses for the various divisions of City government, for a period not to exceed three years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years of the necessary items of Microsoft licenses, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 141818)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 908-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more internet service providers for the City's internet, intranet, and web hosting services for a period of one year with one one-year option to renew.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more internet service providers or one or more firms of internet service providers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to pro-

vide professional services necessary for the City's internet, intranet, and web hosting services, including related services necessary to host, manage, and support the City's website.

The selection of the internet service providers for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance. The contract or contracts shall be prepared by the Director of Law and shall be for a period of one year, with one (1) option exercisable by the Director of Finance to renew for an additional one-year period, and cancelable on thirty days written notice by the director.

Section 2. That the cost of the contract or contracts shall be paid from Fund No. 01-151101-632000, Request No. 141817.

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

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

Ord. No. 909-04.

By Council Member Jackson (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of messenger services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more

contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104792)

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

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

Ord. No. 910-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with BancTec, Inc. to maintain the hardware and software of up to two BancTec 9500 remittance processors and equipment for a two year period, for the Division of Fiscal Control, Department of Public Utilities.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than BancTec, Inc. Therefore the Director of Public Utilities is authorized to make one or more written contracts with BancTec, Inc. on the basis of its proposal dated May 13, 2004, for the maintenance of hardware and software of up to two BancTec 9500 remittance processors and equipment for a two year period, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Fiscal Control, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 50 SF 001, Request No. 105174.

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

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

Ord. No. 911-04.
By Council Members Coats, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, are by enacting new Section 535.08 relating to competitive response water service agreements and the rates for service under competitive response agreements; and authorizing the Director of Public Utilities to enter into a competitive response water service agreement with the City of Brunswick under Section 535.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

Whereas, the City of Cleveland's Division of Water provides water service to residents and businesses of the City and its surrounding communities; and

Whereas, the Division of Water increasingly is facing competition from other water suppliers to serve suburban communities; and

Whereas, retaining existing water customers and adding new customers through the expansion of the Division of Water's service area increases the rate base, promotes rate stability, minimizes the need for future rate increases, and improves the Division of Water's bond credit rating, to the benefit of all Division of Water customers and bondholders; and

Whereas, to protect and expand the Division of Water's rate base, and in the interests of all water customers and bondholders, it is necessary and desirable for the City to offer competitive response agreements to those communities that have access to alternative water suppliers; and

Whereas, the Division of Water currently provides water service to the City of Brunswick under an agreement generating annual revenues of approximately \$4,000,000 for the Division of Water; and

Whereas, Brunswick has solicited proposals from Cleveland and Medina County to provide water service to Brunswick's water consumers; and

Whereas, Council has determined to authorize the Director of Public Utilities to enter into a competitive response agreement with the City of Brunswick; and

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

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

Section 1. That this Council finds that, to protect and expand the rate base of the Division of Water for the purposes of maintaining rate stability and minimizing rate increases, it is in the best interests of the Division of Water and its water customers and bondholders to offer competitive rates and terms of service to municipal corporations and public authorities that have access to an alternative water supplier.

Section 2. That the Codified Ordinances of the City of Cleveland, 1976, are supplemented by enacting new Section 535.08 to read as follows:

Section 535.08 Competitive Response Water Service Rates

The Director of Public Utilities may enter into direct-service and master-meter water service agree-

ments with municipal corporations or public authorities for water service under rates, terms, and conditions that differ from those contained in Chapter 535 for the purpose of meeting competition from alternative water suppliers if all of the following apply:

(a) The municipal corporation or public authority has access to an alternative water supplier or is likely to gain such access in the reasonably foreseeable future;

(b) The revenue to be generated under the contract is not below the cost of service, as determined by the Division of Water;

(c) The contract is for a term of at least twenty years;

(d) The contract, with the exception of negotiated provisions, is substantially in the form of the Division of Water's standard direct-service and master-meter agreements;

(e) The contract has been approved by the Director of Law; and

(f) The contract has been approved by the City Council upon a finding that entering into the contract is necessary to meet competition from current or potential alternative suppliers and is in the best interests of the Division of Water and its water customers and bondholders.

Section 3. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, fixed by the Board of Control are approved.

Section 4. That this Council finds that entering into a competitive response water service agreement with Brunswick is necessary to meet competition from Medina County and is in the best interests of the Division of Water, its customers, and bondholders in that it will preserve and increase the Division of Water's rate base.

Section 5. That the Director of Public Utilities is authorized to enter into a competitive response water service agreement with Brunswick on the basis of Cleveland's proposal contained in File No. 911-04-A.

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of the City of Cleveland, the competitive response agreement with Brunswick may include a provision transferring Brunswick's "Keller Water Tower" to the Division of Water for a price not to exceed \$1,750,000.

Section 7. That the Director of Public Utilities is authorized to execute on behalf of Cleveland all necessary documents to acquire Brunswick's Keller Water Tower and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the water tower.

Section 8. That the competitive response agreement with Brunswick may include a provision transferring Brunswick's distribution mains to the Division of Water and authorizing reimbursement of Brunswick for the actual construction costs of water-main replacement projects scheduled for construction in 2004 in an amount not to exceed \$1,500,000.

Section 9. That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, and from the fund or funds which are credited the

proceeds of future waterworks revenue bonds which are issued for this purpose.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 912-04.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with the Western Reserve Historical Society and any other documents and agreements necessary to complete the Project.

Whereas, the City of Cleveland ("City") is the owner of the property commonly known as Aviation High School, located at Burke Lakefront Airport property ("Airport"), and further depicted in the attached diagram ("Property");

Whereas, the Western Reserve Historical Society ("Society") has proposed to lease the Property from the City to relocate its Crawford Collection and construct a 100,000 square foot Crawford Museum of Transportation and Industry ("Project");

Whereas, Society will also renovate and add 140,000 square feet to its East Boulevard campus, with an additional \$5,000,000 added for debt reduction, for a combined project cost of approximately \$35,000,000;

Whereas, to evidence the understanding of Society and the City with respect to the Project, the parties desire to enter into a lease agreement ("Lease Agreement") and any other documents and agreements necessary to complete the Project; and

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

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

Section 1. That the Director of Port Control is authorized to lease to Society, certain Property that is not needed for aviation use for the term of the Lease Agreement;

The Lease Agreement shall be substantially similar to the copy placed in File No. 912-04-A, and shall be for such Property as illustrated therein.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a Lease Agreement of the Property to Society. The City will lease the Property to Society on an "As-Is" basis. The term of the Lease Agreement shall be for a term of 45 years with a 45-year renewable option, unless sooner terminated or canceled and shall be subject to all existing easements, zoning requirements, City Planning Commission, Federal Aviation Agency ("FAA") and all other requisite approvals.

The Property may be used only for Museum buildings, related improvements, parking, walkways, congregation and outdoor gathering and display areas. Society may build and control transient dockage on the Property's shoreline, subject to approval of the City and the Coast Guard, as long as free public access to the adjacent marina and to the Airport property north or northeast of the Museum, commonly known as "Dike 12" parcel, can be developed by the City.

Section 3. That the Property shall be leased at a rental value to be determined in accordance with FAA regulations and subject to FAA approval.

Section 4. The Lease Agreement will include a requirement that Society shall not commence construction of the Project until they have provided evidence reasonably satisfactory to the City that Society has secured commitments for funds (including pledges, gifts, grants, or public or private financing) for at least 75% of the projected costs of constructing the Museum. The Lease Agreement will also provide that each party will have the right to terminate the Lease Agreement if Society has not commenced construction of the Project within 42 months following the date that the Lease Agreement has been fully executed and approved.

Section 5. The Society agrees that it will provide suitable office space within the Museum for City personnel to staff the Cleveland Police Department Harbor Patrol Unit. The City will be responsible for the utilities associated with the office.

Section 6. The Director of Port Control is further authorized to enter into all documents and agreements necessary to complete the Project including but not limited to potential amendments contemplated in the Lease Agreement.

Section 7. That the Lease Agreement placed in the file identified in this Ordinance and all documents and agreements necessary to complete the Project, including but not limited to future amendments contemplated in the Lease Agreement, shall be prepared by the Director of Law and shall contain, in addition to the terms and conditions stated in the Lease Agreement, such additional terms and conditions necessary to protect and benefit the City of Cleveland.

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

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

Ord. No. 913-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Neptune Networks, Inc. for the installation, maintenance, and operation of approximately twenty-five internet kiosks throughout

out the terminal building at Cleveland Hopkins International Airport, for a period of five years, with one five-year option to renew.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into a Lease By Way of Concession ("Lease") with Neptune Networks, Inc. for the installation, maintenance, and operation of approximately twenty-five (25) internet kiosks throughout the terminal building at Cleveland Hopkins International Airport. The Lease shall be for the use and occupancy of approximately twenty-five (25) separate areas, each approximately three feet by three feet, for a total approximate square footage of two hundred twenty-five (225) square feet (collectively, "Premises").

Section 2. That the term of the Lease shall be for five years, commencing on the effective date of the Lease, with one option, exercisable by the Director of Port Control, to extend the term of the Lease for an additional five (5) year period. The Lease can be terminated on thirty (30) days written notice by the Director.

Section 3. That Neptune Networks, Inc. shall pay the City rent for the Premises, during each year of the Lease term, of the greater of twenty percent (20%) of annual gross revenues or \$15,600.

In addition to the above rent, Neptune Networks, Inc. shall pay the City a minimum annual guaranteed fee, during each year of the Lease term, of the greater of ten percent (10%) of the customer walk-up fee or the following:

Year 1	—	\$40,000
Year 2	—	\$60,000
Year 3	—	\$80,000
Year 4	—	\$80,000
Year 5	—	\$80,000

Section 4. That the Lease authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 914-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Ace Equipment Sales, Inc. for New Way packer body parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Ace Equipment Sales, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Ace Equipment Sales, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for New Way packer body parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130306)

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

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

Ord. No. 915-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Brom Truck, Inc. for Crane Carrier cab and chassis parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Brom Truck, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Brom Truck, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the

requirements for the period not to exceed one or two years for Crane Carrier cab and chassis parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130291)

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

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

Ord. No. 916-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Jack Doheny Supplies Ohio, Inc. for Elgin street sweeper equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Jack Doheny Supplies Ohio, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Jack Doheny Supplies Ohio, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Elgin street sweeper equipment parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage

shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130298)

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

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

Ord. No. 917-04.

By Council Members Sweeney and Jackson.

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Ohio Machinery, Co. for Caterpillar construction and Barber-Greene road paver equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Ohio Machinery, Co. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Ohio Machinery, Co. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Caterpillar construction and Barber-Greene road paver equipment parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130299)

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

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

Ord. No. 918-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with West Shore New Holland, Inc. for Ford agricultural and construction equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than West Shore New Holland, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with West Shore New Holland, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Ford agricultural and construction equipment parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130294)

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

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

Ord. No. 919-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to encroach into the public right-of-way of East 185th Street with 44 banners to be attached to utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Northeast Shores Development Corporation, 15721 Waterloo Road, Suite 200, Cleveland, Ohio 44110, its successors and assigns, for the construction, use, and maintenance of 44 banners, which will encroach into the public right-of-way of East 185th Street, from Lakeshore Boulevard southerly to Villaview Road at the locations described as follows:

East 185th Street – from Lakeshore Boulevard southerly to Villaview

Address	Name	Pole No.	Pole Owner
18482	York Video	539642	First Energy
486	First Used Auto	516674	First Energy
536	Lakeshore Chevy	No tag	CPP – OK
	Lakeshore Chevy Used cars	65225	First Energy
562	Check-n-Go	51238	First Energy
598	Zaller's	51239	First Energy
616	Bingo A&R Wholesale	No tag	CPP – OK
650	Jackpot	695664	First Energy
688	Puff-n-Snuff	No tag	First Energy
700	King Gallery	A8716	CPP – OK
798	Day Care	A8755	CPP – OK
854	Shore Carpet	A8773	CPP – OK
910	Sunoco (NW Cor. Neff)	A7944	CPP – OK
936	Jacobs Funeral	Dom 6-11	CPP – OK
1010	Residence	A7927	CPP – OK
1020	Muldoon's	A8011	CPP – OK
18500	Lakeshore Laundry	No tag	First Energy
473	Empty	64003	First Energy
501	Groom Room	64001	First Energy
525	Neighbor's Choice	No tag	First Energy
543	Lakeshore Chevy	65243	First Energy
589	Eastern Slipcover	63998	First Energy
609	National City Bank	62022	First Energy
629	Salon six two nine	No tag	First Energy
651	Old World Meats	513067	First Energy
669	Millers Athletic Club	63995	First Energy
689	Family Affair	No tag	First Energy
709	Medic	63993	First Energy
747	Horseshoe	63992	First Energy
759	Kreative Dezigns	65248	First Energy
775	J. F. Optical	No tag	First Energy
797	Hing Loong	62533	First Energy
805	Doyle	63979	First Energy
819	George Knaus	No tag	First Energy
853	Villa Rosa	No tag	First Energy
877	Lithuanian Village	65236	First Energy
891	Post Office	A8886	CPP – OK
911	Europa Travel	63986	First Energy
18501 Neff	TOPS	63985	First Energy
939	Quick Change	63984	First Energy
	Vacant lot	63982	First Energy
975	Star Muffler	63980	First Energy
1015	McBill Beverage	71530	CPP – OK
1035	BP Gas Station	65328	First Energy

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any object to poles other than described in this ordinance.

Section 3. That the banners shall be placed in the public right-of-way as described above, and shall be constructed conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before constructing the encroachments.

Section 4. That the permit authorized by this ordinance shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against all loss which may result from the encroachments.

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

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

Ord. No. 920-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Columbus Equipment Company for Blaw Knox paver and Galion Dresser-Komatsu construction equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Columbus Equipment Company. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Columbus Equipment Company under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Blaw Knox paver and Galion Dresser-Komatsu construction equipment parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130305)

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

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

Ord. No. 921-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Baker Vehicle Systems, Inc. for Cushman-Ransome equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Baker Vehicle Systems, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Baker Vehicle Systems, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Cushman-Ransome equipment parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130290)

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

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

Ord. No. 922-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Southeastern Equipment Co., Inc. for Case and Grad All construction equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Southeastern Equipment Co., Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Southeastern Equipment Co., Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the require-

ments for the period not to exceed one or two years for Case and Grad All construction equipment parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130301)

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

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

Ord. No. 923-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of Chevrolet-GMC vehicle parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of Chevrolet-GMC vehicle parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a

financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130304)

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

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

Ord. No. 924-04.

By Council Members Sweeney and Jackson.

An emergency ordinance authorizing the purchase by one or more requirement contracts of Harley Davidson police motorcycle parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of Harley Davidson police motorcycle parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of

the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130300)

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

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

Ord. No. 925-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, fuel tanks, and air conditioning units for City vehicles and equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, fuel tanks, and air conditioning units for City vehicles and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130302)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

Ord. No. 926-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair springs for various vehicles and equipment, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to repair springs for various vehicles and equipment, including installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130303)

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

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

Ord. No. 927-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various mower and cutting equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of various mower and cutting equipment parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130307)

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

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

Ord. No. 928-04.
By Council Members Sweeney, Reed, Cimperman, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 515.01 to 515.11 and 515.99 relating to the issuance of temporary public right-of-way occupancy permits for sidewalk sales.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 515.01 to 515.11 and 515.99 to read as follows:

CHAPTER 515
Issuance Of Temporary Public Right-Of-Way Occupancy Permits For Sidewalk Sales

Section 515.01 Definitions

When used in this Chapter, the following words shall have the following meanings:

(a) "Director" means the Director of Public Service or his designee.

(b) "Sidewalk Sale" means a commercial sale or display of goods, products, wares, merchandise, services or material related to services, any one or all of which is sold or displayed on a sidewalk immediately contiguous to the building/commercial premises within which the vendor has for permitted commercial sale of products, or services.

(c) "Permit" means a temporary public right-of-way occupancy permit authorized by Section 515.02 of the Codified Ordinances.

(d) "Permittee" means the person who owns the business immediately contiguous to the sidewalk sale and is permitted to occupy an area of the public right-of-way for the purpose of a sidewalk sale.

(e) "Right-of-way" means any sidewalk, court, alley, street or other area dedicated or otherwise designated for public use and held by the City.

(f) "Unobstructed Walk" means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

Section 515.02 Temporary Public Right-of-Way Occupancy Permits

Notwithstanding any codified ordinance to the contrary, the Director of Public Service is authorized to issue temporary public right-of-way occupancy permits revocable at the will of the Council authorizing a Sidewalk Sale at permitted locations on sidewalks, courts, alleys, streets or other public rights-of-way in the City, subject to the provisions of this Chapter. A separate encroachment permit will not be required for a Sidewalk Sale.

No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, alley, street or other public right-of-way with a Sidewalk Sale without first obtaining a permit in accordance with this Chapter. Any business owner or operator occupying any portion of a public sidewalk, court, alley, street or other public right-of-way without a permit as required by this Chapter shall be subject to the fines and penalties set forth in Sections 515.09 and 515.99 of this Chapter.

Section 515.03 Application for Permits

Application for a permit shall be made to the Director in a form deemed appropriate by him.

Section 515.04 Permit Fee, Issuance and Duration

(a) An application for a permit shall be accompanied by a fee of

\$50.00 for each sidewalk sale location for which a permit is desired. If the applicant is not issued a permit the fee shall be refunded.

On approval of the application by Director of Public Safety, the Director of Public Service, the Director of the City Planning Commission, the Director of Public Service shall issue a permit in accordance with this Chapter. Denial of a permit may be appealed to the Board of Zoning Appeals.

The processing of a complete application shall not take more than thirty (30) days and in the event the application is not processed within thirty (30) days, the applicant shall be entitled to a refund of the permit fee.

(b) A permittee located in the Central Business District may receive a permit:

(1) valid for ninety (90) calendar days, during which the Permittee may conduct a Sidewalk Sale on any of those days; or

(2) valid for six (6) months, during which the Permittee may conduct a Sidewalk Sale only one day a week, on the same day every week. A Permittee seeking this Permit must state in the Permit Application what day of the week Permittee will conduct the Sidewalk Sale.

A location in the Central Business District may not receive more than one permit per year.

(c) Permits for all locations not in the Central Business District shall be valid for one week. A location outside of the Central Business District may not receive more than two permits per year.

Section 515.05 Permitted Locations

The Director, consistent with the provisions of this chapter and the zoning code, shall establish rules and regulations as the Director deems proper with respect to permitted locations for the operation of Sidewalk Sales. The Director shall consider the operation and location of the Sidewalk Sale, the maintenance of the business establishment requesting a permit, the proximity and location of emergency exits, fire standpipes, fire hydrants, driveways, handicap ramps, handicapped parking zones, commercial loading and unloading zones, the condition of the sidewalk, and other factors he deems relevant. The Director may modify the rules and regulations as he deems necessary.

The issuance of permits and the maintenance of merchandise, and other structures shall be subject to the rules and regulations established by the Director, the zoning code, and the following conditions and restrictions:

(a) Sidewalk Sales shall not obstruct emergency exits or fire standpipes;

(b) Sidewalk Sales shall not occupy any portion of the roadway or within two (2) feet of the curb;

(c) Sidewalk Sales shall not be permitted within six (6) feet of any fire hydrant, within five (5) feet of any driveway, within three (3) feet of any sidewalk handicap ramp.

Section 515.06 Permits

At any time during the Sidewalk Sale that it is requested, Permittee shall immediately produce the Permit.

Each permit shall contain the following information:

(a) The name and address of the permittee;

(b) A description of the permitted location;

(c) A description of the merchandise and other structures;

(d) The expiration date of the permit; and

(e) Any other information the Director deems necessary.

Section 515.07 Requirements and Conditions of Permit

(a) Permittees and their agents shall comply with all of the requirements of this chapter and any applicable state law, while engaged in business at permitted locations.

(b) The Sidewalk Sale shall be placed only on the location set forth in the permit.

(c) No Sidewalk Sale shall operate earlier than 8:00 a.m. nor later than 9:00 p.m. All merchandise, and other structures shall be removed from the sidewalk at the end of the permitted hours of operation.

(d) Permittees and their agents shall obey any order of a police officer or other emergency personnel to remove their merchandise and other structures from the public right-of-way if necessary to avoid congestion or obstruction in an emergency.

(e) Permittees and their agents shall be responsible for maintaining all Sidewalk Sale structures and associated equipment in good repair, and in a safe, sound and non-hazardous condition.

(f) Permittees and their agents shall be responsible for keeping the general area around the permitted location free of litter.

(g) No banner, pennant, or sign shall be displayed as a part of any outdoor display except under a permit issued by the City of Cleveland.

(h) No permit shall be transferable in any manner.

(i) All merchandise sold at a Sidewalk Sale shall be of the type and nature sold by the business immediately adjacent to the Sidewalk Sale.

(j) A permit is valid only when used at the location designated in the permit.

Section 515.08 Permit Suspension and Revocation

(a) The Director may suspend or revoke the permit of any permittee if the permittee or his agent fails to abide by the provisions of these Codified Ordinances or state law.

(b) The Director shall give written notice of suspension or revocation of the permit to the permittee or his agent stating the reasons for the suspension or revocation. If the reason for the suspension or revocation is that the permittee does not currently have an effective insurance policy as required by division (h) of Section 515.03, the action shall be effective upon giving such notice to the permittee or to his agent. Otherwise, such notice shall contain the further provision that the action shall become final and effective ten (10) days afterwards unless, within five (5) days of receipt of notice, the permittee requests a hearing before the Director. The Director shall hold the requested hearing, at which time the permittee shall be afforded the opportunity to give the permittee's version of the facts which gave rise to the Director's action. After the hearing the Director shall determine

whether to proceed with the action or to rescind it.

(c) The action of the Director may be appealed to the Board of Zoning Appeals.

Section 515.09 Removal of Merchandise and Other Associated Equipment

Any merchandise and other associated equipment placed in a public sidewalk, court, alley, street or other public right-of-way without a permit issued under this section may be seized and removed. Prior to such seizure and removal, the property owner or operator of the business establishment fronting on the public right-of-way from which the merchandise, and other associated equipment are to be removed shall be notified and asked to immediately begin to remove the merchandise and other associated equipment and to complete the removal within a reasonable amount of time. If the property owner or operator of the business establishment fails to remedy the violation, the City may seize and remove the merchandise, and other associated equipment.

Notwithstanding any other provisions of this Chapter, the City may seize any merchandise, and other associated equipment, whether placed with or without a permit, without prior notice if the merchandise, and other associated equipment are placed in the public right-of-way in such a place or manner as to pose an immediate and serious danger to persons or property or if the condition of the merchandise, and associated equipment renders them unsafe, unsound or hazardous so as to pose an immediate and serious danger to persons or property. After seizure, the City shall promptly notify the owner or operator of the business establishment and such individual shall have the right to request an informal hearing before the Director within ten (10) days after such notification to determine whether the seizure was proper.

As a condition of recovering any merchandise, and other associated equipment properly seized pursuant to this section, the owner of such merchandise, and other associated equipment shall pay an impound fee covering the actual cost to the City of transporting and storing such merchandise, and other associated equipment.

Section 515.10 Taxes

The Permittee shall be responsible for all charges and all federal, state or local taxes, including property taxes, which may now or hereafter be imposed or levied upon the Sidewalk Sale and the services provided in connection therewith.

Section 515.11 Regulations

The Director may promulgate such regulations, not inconsistent with the provisions of this Chapter, establishing procedures for the issuance of permits.

Section 515.99 Penalty

Whoever violates any provision of this Chapter shall be guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

Section 2. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 929-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol & Drug Addiction Services Board of Cuyahoga County for the Mental Health & Substance Abuse Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$489,171 and any other funds that may become available during the grant term, from the Alcohol & Drug Addiction Services Board of Cuyahoga County to conduct the Mental Health & Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 929-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall

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

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 930-04.

By Council Members Britt and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the State Childhood Lead Poisoning Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$85,000 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the State Childhood Lead Poisoning Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 930-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a man-

ner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 931-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2005 Federal Childhood Lead Poisoning Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$582,935 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the 2005 Federal Childhood Lead Poisoning Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 931-04-A, made a part of this ordinance as if fully rewritten including the obligation to devote program income from first and third party billings, estimated at \$127,522, is approved in all respects.

Section 3. That the Director of Public Health shall have the author-

ity to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 932-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the St. Luke's Foundation for the Making Greater Cleveland Lead Safe Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$1,000,000, and any other funds that may become available during the grant term from the St. Luke's Foundation to conduct the Making Greater Cleveland Lead Safe Program; that the Director is authorized to file all papers and execute

all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 932-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Section 4. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to plan and execute the program as described in the file.

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 933-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Conference of Mayors for the Cities for United Science Progress Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$250,000 and any other funds that may become available during the grant term, from the United States Conference of Mayors to conduct the Cities for United Science Progress Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 933-04-A made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 934-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Environmental Protection Agency for the Cleveland Air Toxic Monitoring Project; and to

enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$62,040, and any other funds that may become available during the grant term from the United States Environmental Protection Agency to conduct the Cleveland Air Toxic Monitoring Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 934-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 935-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Environmental Protection Agency for the US EPA Lead Poisoning Prevention Program; and to enter into one or more contracts with various agencies and one or more requirement contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$250,000, and any other funds that may become available during the grant term from the United States Environmental Protection Agency to conduct the US Environmental Protection Agency Lead Poisoning Prevention Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 935-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 936-04.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

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

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

Ord. No. 937-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of animal trapping services, for the Division of Health, Department of Public Health.

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

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

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 138424)

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

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

Ord. No. 938-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of dust wipe and cleaning kits, and other materials, supplies, and equipment needed for home lead testing and reduction, for the Division of Health, Department of Public Health.

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

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

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of dust wipe and cleaning kits, and other materials, supplies, and equipment needed for home lead testing and reduction, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Health, Department of Public Health. Bids

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 143301)

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

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

Ord. No. 939-04.

**By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Directors of Public Health and Community Development to enter into contracts with various agencies to provide AIDS-related services, in conjunction with the HOPWA Grant.**

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

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

Section 1. That the Directors of Public Health and Community Development, as appropriate, are authorized to enter into one or more contracts with various agencies to provide AIDS-related services in conjunction with Housing Opportunities for People With AIDS (HOPWA) Grant, under File No. 939-04-A, and in addition, the sum of not more than \$25,000.00 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program. Any agency that receives funds under this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work.

Section 2. That the Director of Public Health and the Director of Community Development are authorized to enter into a memorandum of understanding for this program under the terms authorized by this legislation.

Section 3. That the costs of the contracts authorized above are appropriated for costs of the Department of Public Health incurred from Fund 13 following the appropriate federal regulations and shall not exceed \$1,029,000 and shall be paid from Fund Nos. 13 SF 978 and 13 SF 982, Request No. 125768.

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

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

Ord. No. 940-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2003 State Homeland Security Grant Program, Part I; and authorizing one or more requirement contracts for the purchase of vehicles, equipment, and services necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$120,000, from the County of Cuyahoga to conduct the 2003 State Homeland Security Grant Program, Part I; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That the award letter and other documents for the grant, File No. 940-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of vehicles, equipment, and services needed to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until pro-

vision is made for the requirements for the entire term.

Section 4. That the costs of the contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

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

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

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

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

Ord. No. 941-04.

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

An emergency ordinance authorizing the Director of Public Safety to enter into a grant agreement with the County of Cuyahoga to accept equipment necessary to implement the State Domestic Preparedness Program.

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

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

Section 1. That the Director of Public Safety is authorized to enter into a grant agreement with the County of Cuyahoga to accept equipment necessary to implement the State Domestic Preparedness Program as described in File No. 941-04-A.

Section 2. That the grant agreement shall be prepared by the Director of Law and shall contain additional terms and conditions that the director deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 942-04.
By Council Members Johnson and Jackson (by departmental request).**

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Board of Education to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2003-2004 school year.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax

revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2003-2004 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Director of Parks, Recreation and Properties and Finance are authorized to enter into one or more contracts with the Board of Education of the Cleveland

City School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2003-2004 school year, under the program description contained in File No. 942-04-A. The cost of the contract or contracts shall not exceed \$2,000,000 and shall be payable from the fund or funds to which are credited the proceeds of the taxes levied under Ordinance No. 1025-A-95, passed June 28, 1995, under such terms and conditions as are acceptable to the Director of Law.

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

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

Ord. No. 943-04.

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

An emergency ordinance to amend Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1018-03, passed June 10, 2003, relating to cemetery rates.

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 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1018-03, passed June 10, 2003, is amended to read as follows:

Section 133.30 Cemetery Rates

The Commissioner of Park Maintenance and Properties shall collect the following charges for services, space, and supplies at City-owned cemeteries:

		<u>CEMETERY RATES:</u>	
		<u>Mon.-Fri.</u>	<u>Sat.</u>
(a) Single grave section			
(1)	Adult grave	\$371.00	\$371.00
	Interment	337.00	506.00
	Total	708.00	877.00
(2)	Baby grave (container of 4 feet or less)	108.00	108.00
	Interment	94.00	141.00
	Total	202.00	249.00
(b) Lot sections			
(1)	Flush marker sections		
	One Grave	\$ 594.00	
	Family Lot (Two Graves)	1,188.00	
	Interment	506.00	759.00
(2)	Raised marker section		
	One Grave	714.00	
	Family Lot (Two Graves)	1,428.00	
	Interment	506.00	759.00

(3) Interment in lot sections			
A. Adult grave		506.00	759.00
B. Adult grave – extra deep (depth of 8 feet)		621.00	931.00
C. Interment on top of extra deep		506.00	759.00
D. Baby grave or still born on top		94.00	141.00
E. Cremated remains in urn		216.00	324.00
F. Cremated remains in vault		270.00	405.00
G. Placement of additional remains in casket at time of burial (recording fee)		94.00	94.00
(c) Urn garden section			
(1) Single plot grave	243.00		
(2) Interment (includes marker setting and vault) Saturday burials 1 1/2 times the interment charge		297.00	452.00
(d) Veteran Section Interment		337.00	506.00
(e) Memorial parks:			
(1) Adult (Infirmiry burial – City or County)		371.00	N/A
(2) Baby		94.00	N/A
(f) Additional services available:			
(1) Disinterments (Monday-Friday only)			
A. Adult grave	1,046.00		
B. Adult grave - extra deep	1,114.00		
C. Baby grave	297.00		
D. Cremated remains in urn garden	358.00		
E. Cremated remains - location other than urn garden	229.00		
(2) Setting and foundation charges			
A. Markers			
1. 18" x 10" (Baby)	102.00		
2. 2' x 1'	168.00		
3. 3' x 1' or 4' x 1'	263.00		
4. Resetting: one-half (1/2) of price listed above for replacement of same size markers			
B. Monument foundation (per cubic foot)	26.00		
C. Veteran stones (flat granite)	168.00		
D. Flower container (installation)	21.00		
(3) Miscellaneous services			
A. Opening and closing grave for inspection			
1. Identify without disturbing remains	911.00		
2. Remove for autopsy; replace in open grave	992.00		
B. Private mausoleums: receipt and discharge	432.00		
C. Highland Chapel Park Mausoleum			
1. Crypts: seal or unsealed	358.00		
2. Niches: seal or unsealed	229.00		

D. Use of chapel for services	
1. First hour	75.00
2. Each hour thereafter or fraction thereof	65.00

E. Saturday burials: one and one-half (1 1/2) times the interment charge in divisions (b) through (e) of this section

(4) Late Charges

A. To funeral home:

1. Charge for an interment service that starts after 4:00 p.m.	140.00
2. Charge for receiving a notification of interment after 2:00 p.m. of the work day before the date of interment	140.00

B. To vault company:

1. Charge when vault is not lowered into grave 45 minutes before the scheduled burial time	140.00
2. Charge when vault cover is not in place one-half (1/2) hour after the completion of the burial	140.00

(g) Effective January 1, 2004, all rates listed in divisions (a) through (f) of this section shall be increased by four percent (4%) **and shall be rounded to the nearest whole dollar on the effective date of an amendment to this section, if this section is amended before January 1, 2005.**

(h) Effective January 1, 2005, all rates listed in divisions (a) through (f) of this section shall be increased an additional four percent (4%) over the four percent increase authorized in 2004, **which 2004 increase shall be rounded to the nearest whole dollar, and the calculated amount resulting from the increase shall be rounded to the nearest whole dollar.**

(i) Charges for damages: Anyone who causes damage to the cemetery ground, including without limitation, fences, hydrants, or headstones, and who does not restore the damaged portion to its previous condition shall be liable to the City for the City's cost of restoration.

(j) Highland Park Chapel Mausoleum:

Charges for resale of niches and crypts that have been repurchased by the City of Cleveland

1. Niches in Highland Park Mausoleum	\$1,215.00
2. Crypts in Highland Park Mausoleum Tier Level	\$3,375.00

(k) Service Charges

1. Bad Check Charge	\$ 25.00
2. Late Payment	
A. Charges not received by time of interment including checks that cannot be processed because of errors	
	\$ 33.00
B. Setting charges not received up to the time stone is delivered including checks that cannot be processed because of errors	
	\$ 33.00
C. Additional charge per day	\$ 7.00

Section 2. That Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1018-03, passed June 10, 2003, is repealed.

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

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

Ord. No. 945-04.**By Council Member White.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Union Miles Development Corporation or designee

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-13-042 as more fully described below, to Union Miles Development Corporation or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows

P. P. No. 135-13-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 256 in the City Allotment Company's East Boulevard Subdivision of a part of Original One Hundred Acre Lot No. 451, as shown by the recorded plat in Volume 68 of Maps, Page 8 of Cuyahoga County Records and being 40 feet front on the Westerly line of East 113th Street and extending back 114.88 feet deep on the Northerly line, 115 feet deep on the Southerly line and having a rear line of 40 feet. Subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-19-086 as more fully described below to Union Miles Development Corporation or designee.

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

P. P. No. 135-19-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in Coe-Brainard and Cheney Allotment of part of Original One Hundred Acre Lot No. 458 as shown by the recorded plat in Volume 7 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southerly side of Reno Avenue,

S.E. (formerly Harris Street) and extending back between parallel lines 130 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-03-026 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-03-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 160 in L.W. Sapp Resurvey Subdivision of part of Original One Hundred Acre Lots Nos. 457 and 458, as shown by the recorded plat in Volume 12 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Prince Avenue, and extending back 173.56 feet on the Westerly line, 173.54 feet on the Easterly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-18-049 as more fully described, to Union Miles Development Corporation or designee.

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

P. P. No. 136-18-049

ituated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 35 in Hills and Frisbie's Miles Avenue Allotment of part of Original One Hundred Acre Lot No. 467 as shown by the recorded plat in Volume 21 of Maps, Page 8 of Cuyahoga County Records and forming a parcel of land bounded and described as follows:

Beginning in the Northerly line of Miles Avenue, S.E. 70 feet wide at the Southwesterly corner of said Sublot No. 35; thence Northerly along the Westerly line of said Sublot No. 35, 160 feet to the Northwesterly corner thereof; thence Easterly along the Northerly line of said Sublot No. 35, 27.50 feet to the Northwesterly corner of a parcel of land conveyed to Helen F. Vala by deed dated April 9, 1932 and recorded in Volume 4230, Page 243 of Cuyahoga County Records; thence Southerly along the Westerly line of said land conveyed by Helen F. Vala, 43.00 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said land conveyed to Helen F. Vala, 15 feet; thence Southerly along the line parallel with said Westerly line of Sublot No. 35, 117 feet to said Northerly line of Miles Avenue, S.E.;

thence Westerly along said Northerly line of Miles Avenue, S.E. 42.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-18-050 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-18-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 40 feet of Sublot No. 34 in the Hills and Frisbie's Miles Avenue Subdivision of a part of Original One Hundred Acre Lot No. 467, as shown by the recorded plat in Volume 21 of Maps, Page 8 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Miles Avenue, and extending back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-07-077 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 137-07-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 99 in the Union Rice Subdivision of part of Original One Hundred Acre Lots Nos. 444 and 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records and being 37 feet front on the Easterly side of East 118th Street and extending back 119.85 feet on the Northerly line, 119.98 feet on the Southerly line and having a rear line of 37 feet, as appears by said plat.

Subject to zoning ordinances, if any.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market

Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 946-04.

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

An emergency ordinance to amend Sections 9 and 10 of Ordinance No. 817-03, passed October 6, 2003, relating to the Director of the City Planning Commission entering into a Memorandum of Understanding with the Cleveland Cuyahoga County Port Authority and various leases, agreements, and amendments necessary to effectuate the purpose of the Memorandum of Understanding.

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

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

Section 1. That Sections 9 and 10 of Ordinance No. 817-03, passed October 6, 2003, are amended to read as follows:

Section 9. That, pursuant to the conditions outlined in the MOU, the Director of the City Planning Commission is authorized to enter into an amendment to the Dock Lease Agreement to extend the lease term for Docks 24 and 26 an additional ten years, terminating in 2053 and reduce the amount of the rent paid by Port Authority on Docks 24 and 26 by \$150,000 for a period not to exceed 25 years, beginning on the date the Port Authority conveys its ownership and leasehold interest in the Eastern Whiskey Island Property to the City under the terms of the MOU.

Section 10. That the Director of the City Planning Commission is authorized to terminate the Dock Lease Agreement affecting Dock 32 resulting in a \$100,000 decrease in rent collected due to the return of the property to the City, on or before July 1, 2004, unless the parties mutually agree to extend the date and to assume a lease agreement between the Browns Stadium and the Port Authority for 21 parking spaces on Dock 32.

Section 2. That Sections 9 and 10 of Ordinance No. 817-03, passed October 6, 2003, are repealed.

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

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

Ord. No. 947-04.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 2005-2006 Western Reserve Area Agency on Aging 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 Aging is authorized to apply for and accept a grant in the approximate amount of \$220,000, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging to conduct the 2005-2006 Western Reserve Area Agency on Aging Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the City resolves to assume all risk and responsibilities for which it may be legally liable, for acts or omissions by employees or volunteers working under this grant.

Section 3. That the summary for the grant, File No. 947-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

Ord. No. 950-04.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contracts with various agencies to provide AIDS-related services.

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

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

Section 1. That the Director of Public Health and the Director of Community Development, as appropriate, are authorized to enter into contracts with various agencies to provide HIV/AIDS prevention, education, under File No. 950-04-A, and in addition, the sum of not more than \$105,000 is appropriated to the Department of Public Health for administrative costs of implementing the contracts authorized by this ordinance. Any agency that receives funds under this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work.

Section 2. That the Director of Public Health and the Director of Community Development are authorized to enter into a memorandum of understanding for this program in accordance with the terms authorized by this legislation.

Section 3. That the cost of the contracts authorized are appropriated for costs of the Department of Public Health incurred from Fund 13 following the appropriate federal regulations and shall not exceed \$545,000 and shall be paid from Fund Nos. 14 SF 029 and 14 SF 030, Request No. 125767.

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

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

Ord. No. 951-04.

By Council Member Conwell.

An emergency ordinance to amend Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, relating to the powers and duties of the Director of Building and Housing; and to enact new Section 138.08 regarding a fund using unclaimed fire insurance proceeds.

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 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, is amended to read as follows:

Section 3103.01 Powers and Duties of Director of Building and Housing
(a) *General Duties.* The Director of Building and Housing with the

assistance of officials of the divisions of the City having jurisdiction, is hereby authorized and directed to enforce the provisions of OBC and this Building code, to administer and direct the Department of Building and Housing and to establish policies, procedures and standards for its efficient operation, to review plans and specifications, to issue building permits and certificates, to conduct inspections, to issue rules and regulations for the operation of the Department consistent with OBC and this Building Code, to maintain records and make reports, and to perform such other duties and services as may be necessary to execute the provisions of OBC and this Building Code, and be consistent herewith, or as may be imposed upon the Director by law or by ordinance or by direction of the Mayor.

(b) *Deputy.* The Director shall designate as his deputy a qualified person who shall exercise all powers of the Director during his absence or disability. The Deputy Director shall be appointed and may be removed by the Director in accordance with the Civil Service provisions of the charter.

(c) *Records.* The Director shall keep, or cause to be kept, permanent, accurate records of all of the business of the Department. The records of the Department shall be open to public inspection during business hours as designated therefore by the Director.

(d) *Acknowledgements and Reports.* The Director shall promptly acknowledge receipt of all official communications, notices and reports. The Director shall prepare annual reports as mandated or required by the Mayor.

(e) *Cooperation of Other City Departments.* The officials of other City departments and divisions having jurisdiction or control of construction, use or occupancy under the provisions of this Building Code or under other applicable laws, ordinances, rules, or regulations, shall cooperate and assist in the enforcement of the provisions of OBC or this Building Code. Any City employee empowered to make inspections of buildings, structures or premises, shall promptly report to the administrative officer having jurisdiction any violation of OBC or this Building Code perceived in the performance of his or her duties.

Any administrative officer directed or empowered to act under any provision of OBC or this Building Code shall act promptly, and without unnecessary delay.

(f) *Authority to Act.* Whenever in OBC or this Building Code an Administrative Officer is directed or empowered to perform duties or exercise authority it shall be interpreted to mean such administrative officer or his duly authorized representative or inspector.

(g) *Authorizing Procedures for Fire Insurance Proceeds.* The City of Cleveland adopts and accepts the provisions and procedures set forth in Section 3929.86 of the Revised Code, particularly divisions (c) and (d), providing for the transfer and receipt of portions of fire insurance

proceeds. The Director of Building and Housing is designated as the officer of the City of Cleveland to carry out the duties under that Section. The fire insurance proceeds received shall be placed in a fund to be used for demolition, boarding up, repairing, or otherwise securing of properties. As stated in the relevant provisions of the Ohio Revised Code, excess funds shall be returned to the insured when repair, removal, or securing of the building or structure has been performed by the City or completed by another entity. For purposes of this section, repair, removal or securing is not completed until the structure or building is demolished or able to be occupied for its intended and legal use as verified by the Director of Building and Housing.

Section 2. That existing Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 138.08 to read as follows:

Section 138.08 Property Rejuvenation Fund

When the fire insurance proceeds received under the authority of division (g) of Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, and Section 3929.86 of the Revised Code are unclaimed and the City has complied with all relevant procedures and laws regarding unclaimed funds, those funds shall be placed in Fund 10-811, the Property Rejuvenation Fund, to be used for demolition, property clean-up, maintenance, or rehabilitation under programs administered by the Departments of Community Development and Building and Housing. The funds may be granted or loaned to other persons or entities or may be used directly by the City. The Property Rejuvenation Fund shall be administered under rules and regulations written by the Directors of Community Development and Building and Housing and submitted to Council for adoption. The rules and regulations shall provide that, to the extent practicable, the funds shall be used in the geographic area of the fire-damaged property that resulted in the collection of the funds. The funds in the Property Rejuvenation Fund are appropriated for the purposes stated in this ordinance and in the rules and regulations referred to above.

Section 4. The Clerk of Council is directed to transmit a certified copy of this ordinance to the Superintendent of Insurance, State of Ohio, for the purpose of notifying the State of Ohio that the City has changed the officer authorized to carry out the duties of Section 3929.86 of the Revised Code. Ordinance 2015-80, passed November 22, 1982, authorized the Director of Community Development to carry out the duties. The Director of Building and Housing will now carry out the duties.

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

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

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

Ord. No. 956-04.

By Council Members Reed, Jackson and Sweeney.

An emergency ordinance to amend Section 185.44 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2258-94, passed June 12, 1995 relating to notice to Council of subsidiary agreements.

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 185.44 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2258-94 passed June 12, 1995 is hereby amended to read as follows:

Section 185.44 Notice to Council of Subsidiary Agreements

(a) The director of a department shall notify the Council relative to all public improvement contracts as follows:

(1) whenever the director reasonably believes that the cost of a public improvement contract may exceed the amount certified to that contract; and

(2) whenever it shall be necessary to increase the certified contract amount of a public improvement contract by more than five percent (5%).

(b) The notifications set forth in division (a) shall be made in writing by separate letter to the Council President and each of the individual members of Council within three (3) business days after the occurrence of (1) or (2) of division (a) above.

(c) No work may continue under a public improvement contract in which the cost has exceeded the amount certified, unless and until Council approves legislation authorizing an increase in the amount to be certified to the contract.

Section 2. That existing Section 185.44 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2258-94, passed June 12, 1995 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.

Referred to Directors of Finance, Law; Committees on Legislation, Finance.

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

Ord. No. 948-04.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 2331-02, passed June 2, 2003, relating to the name of Ambler Park.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 2331-02, passed on June 2, 2003 are amended to read as follows:

Section 1. That the following portion of Ambler Park is designated as the Rudolph Rodgers Memorial Scout Section of Ambler Park:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ambler Park of part of Original One Hundred Acre Lot No. 411, and being further described as lands conveyed to the City of Cleveland and known as Permanent Parcel 121-028-001 #1 of the Cuyahoga County Record of Deeds and being further described and bounded as follows:

Beginning at an angle point in the centerline of Ambleside Avenue (60 feet wide) and the intersection of the centerline of Mapleside Avenue (50 feet wide and since vacated); thence along said centerline of Ambleside Avenue South 56° 21' 27" West a distance of 74.51 feet to a point in the easterly sideline of Martin Luther King Boulevard; thence North 47° 22' 00" West a distance of 156.34 feet to a hub w/tack set 25 feet westerly of the centerline of said Martin Luther King Boulevard; thence North 79° 32' 54" West a distance of 24.97 feet to the northeasterly corner of the Rudy Rodgers Memorial site and the principal place of beginning;

Thence South 27° 16' 22" East a distance of 24.00 feet to the southeasterly corner of said Memorial site;

Thence South 62° 43' 38" West a distance of 16.00 feet to the southwesterly corner of said Memorial site;

Thence North 27° 16' 22" West a distance of 24.00 feet to the northwesterly corner of said Memorial site;

Thence North 62° 43' 38" East a distance of 16.00 feet to the northeasterly corner of the Rudy Rodgers Memorial site and the principal place of beginning and containing 0.0088 Acres, more or less, as calculated and described in May, 2004 by Thomas M. Coffman P.S. Ohio Registered Surveyor Number S-6857, but subject to all legal highways.

The center of said Memorial is 57 feet westerly of the centerline of Martin Luther King Boulevard, on the centerline extended of an existing walkway and 22.4 feet northeasterly of the intersection of said walkway and an existing walkway paralleling Martin Luther King Boulevard.

The center of said Memorial is at Lat N41° 29' 48.91808" / Long W81° 29' 26.60184 and at Ohio North State Plane coordinates - N668414.89 / E2244976.24.

Section 2. That the Director of Parks, Recreation, and Properties is authorized to give effect to this ordinance by placing the appropriate signs, nameplates, and plaques to reflect **this designation.**

Section 2. That the existing Sections 1 and 2 of Ordinance No. 2331-02, passed June 2, 2003, are repealed.

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

Ord. No. 952-04.

By Council Member Pierce Scott.

An emergency ordinance authorizing the Director of Parks, Properties, and Recreation to enter into an agreement with Earth Day Coalition for Dike 14 Educational Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Properties, and Recreation is authorized to enter into an agreement effective May 22, 2004 with the Earth Day Coalition for the Dike 14 Educational Program for the public purpose of providing education to the general public on wildlife and plant habitation at the Dike 14 and Gordon Park area through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,500 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.

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

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

Ord. No. 955-04.

By Council Member Pierce Scott.

An emergency ordinance consenting and approving the issuance of a permit for the 17th Annual Michael R. White Fun Run on May 27, 2004 (raindate: May 28, 2004), sponsored by the Michael R. White Elementary School.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 17th Annual Michael R. White Fun Run, sponsored by the Michael R. White Elementary School, on May 27, 2004, (Raindate: May 28, 2004), beginning at the school, 1000 East 92nd Street, west on Parkgate Rd. to East Blvd. to Parkside Rd., north on Parkside Rd. to Parkgate Rd., east on Parkgate Rd. and finish back at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**FIRST READING EMERGENCY
RESOLUTIONS READ IN FULL
AND ADOPTED**

Res. No. 949-04.

By Council Member Jackson (by departmental request).

An emergency resolution rejecting in its entirety the Fact-Finder's report, findings and recommendations in the matter of City of Cleveland and the Municipal Construction Equipment Operators' Labor Council.

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, having duly considered the Fact-Finder's report, findings and recommendations in the matter of City of Cleveland and Municipal Construction Equipment Operators' Labor Council (SERB Case No. 03-MED-06-0685), which were served on the City's representative on May 10, 2004, via e-mail, and on May 11, 2004, via overnight

mail, a copy of which are contained in File No. 949-04-A, this Council rejects the Fact-Finder's report, findings and recommendations in their entirety.

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

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

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

Res. No. 953-04.

By Council Member Lewis.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 8329 Superior Avenue and repealing Resolution No. 589-04, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 8329 Superior Avenue by Resolution No. 589-04 adopted by the Council on April 5, 2004; and

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

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

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

Section 1. That objection to a New C1 Liquor Permit to CJS Deli, Inc., 8329 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 1172796, be and the same is hereby withdrawn and Resolution No. 589-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 954-04.

By Council Member O'Malley.

An emergency resolution objecting to a New C1 Liquor Permit at 4497 State Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Siham Hamdan, DBA 2 T S Beverage, 4497 State

Road, Cleveland, Ohio, 44109, Permanent Number 9116359; 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 Siham Hamdan, DBA 2 T S Beverage, 4497 State Road, Cleveland, Ohio 44103, Permanent Number 9116359 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 957-04.

By Council Member Cimperman.

An emergency resolution supporting Ohio House Bill 245 which would create a special "Share the Road" license plate to fund bicycling education in Ohio.

Whereas, thousands of cyclists share Ohio's roads with motor vehicle drivers daily; and

Whereas, cyclists, like motor vehicle drivers, must obey the traffic laws of the state; and

Whereas, too often, motor vehicle drivers become impatient with cyclists who are on the same road; and

Whereas, this impatience can end in tragedy for both the cyclist and the motor vehicle driver, as in the case of one experienced cyclist killed May 1, 2004 by an impatient motorist who crossed a double yellow line to pass the cyclist as the cyclists signaled to make a left turn; and

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

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

Section 1. That this Council hereby supports Ohio House Bill 245 which would create a special "Share the Road" license plate to fund bicycling education in Ohio.

Section 2. That the Clerk is directed to transmit copies of this resolution to Governor Bob Taft and the Cuyahoga County delegation in the Ohio House and Senate.

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

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

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

Res. No. 958-04.

By Council Members Reed, Zone, Conwell, Coats, Pierce Scott, Jackson, Dolan, Brady, White, Polensek, Gordon, Westbrook and Lewis.

An emergency resolution urging the Ohio Governor Bob Taft and members of the Ohio General Assembly to support the spirit of the Brown v. Board of Education ruling to end school segregation and promote diversity and quality education for all public school students regardless of race.

Whereas, fifty-years ago today marks the anniversary of the national landmark case of Brown v. Board of Education, where the United States Supreme Court ruled that school segregation was unconstitutional and that by its very nature was considered unequal; and

Whereas, Fifty years after the historic Brown decision, many students still remain segregated between pre-

dominantly white suburbs and cities of color; and

Whereas, racial isolation exists in the nation's suburban communities as reflected in the fact that the number of minority children attending virtually all-minority suburban schools have more than doubled in the past decade; and

Whereas, in Northeast Ohio, 20 suburban schools in 2001 were racially isolated, which is an increase from nine schools in 1991; and

Whereas, the public school system in the City of Cleveland and Northeast Ohio still remains very segregated; and

Whereas, the number of minority schools in Cleveland has dramatically increased from six in 1987 to sixty-eight in 2001, with fewer than 2,200 students attending such schools in 1987, while nearly 39,000 were attending such schools in 2001; and

Whereas, research shows that school districts, which educate the greatest numbers of disadvantaged and minority students do not receive the local and state funding they need to overcome the social economic obstacles their students face; and

Whereas, Society must not abandon its goals of equality and justice that drove the Civil Rights Movement, efforts must be made to promote policies that encourage diversity in our schools, so that all students of color have fair access to quality education and that efforts be made to recommit establishing a genuinely desegregated and equal society; and

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

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

Section 1. That this Council hereby declares its support for promoting multiracial and diversified schools in order to promote diversity and fairness in the public school system in order to achieve equal education for all individuals regardless of race.

Section 2. That this Council urges Ohio Governor Bob Taft and members of the Ohio General Assembly to support the spirit of Brown v. Board of Education by actively taking the necessary steps to promote policies that encourage multiracial diversity in our public schools and to promote quality education for all students regardless of race or ethnicity.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Ohio Governor Bob Taft, and to the members of the Ohio General Assembly to actively end racial segregation in Ohio public schools and to promote diversity and quality education for all students.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1211-03.

By Council Member Dolan (by request).

An emergency ordinance to vacate portions of Fernshaw Avenue and Riveredge Road S.W. hereinafter described.

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

1. In Section 4, line 3, strike "adoption" and insert "passage".

Amendment agreed to.

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

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

Ord. No. 2157-03.

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

An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into an agreement with Avenir Properties, LLC providing for the exchange of certain real property.

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

1. In Section 1, line 6, after "Properties, LLC" insert ", provided that the results of an environmental Phase I assessment are acceptable to the City".

2. In Section 6, at the end, add "The fair market value of the property described in Section 1 shall be not less than the cost to remediate environmental contamination, if any, on the property described in Section 2."

Amendments agreed to.

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

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

Ord. No. 202-04.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of

Oakdale Avenue to Amistad Development Corporation, Inc., or its designee.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance; when amended as follows:

1. In Section 1, at the end of the legal descriptions, add the following two new legal descriptions:

"P. P. No. 142-16-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 226 in the S.H. Kleinman Realty Company's Miles Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, said Sublot has a frontage of 40 feet on the Southerly side of Alonzo Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 142-16-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 225 in the S.H. Kleinman Realty Company's Miles Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, said Sublot has a frontage of 40 feet on the Southerly side of Alonzo Avenue, as appears by said plat, be the same more or less, but subject to all legal highways."

Amendment agreed to.

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

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

Ord. No. 203-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with William J. Rosby to provide economic development assistance to partially finance the construction, renovation and soft costs of a mixed-use residential and commercial building located at 4479-83 Broadview Road, and all other associated costs to redevelop the property located in Cleveland, Ohio.

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

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

Ord. No. 241-04.

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

An emergency ordinance to amend Section 11 of Ordinance No. 1162-94,

passed July 20, 1994, relating to giving consent to the Director of Transportation of the State of Ohio for the rehabilitation of the East 105th Street Bridge, authorizing related public improvement and professional service contracts, and causing payment to the State of Ohio.

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

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

Ord. No. 286-04.

By Council Member Polensek.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property to expand R.J. Taylor Park for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance; when amended as follows:

1. In the first whereas clause, line 2, strike "19306 Nottingham Road and".

2. Section 1, strike lines 5 through 12 in their entirety.

3. In Section 3, line 1, strike "these" and insert "**this**"; and in line 2, strike "\$78,000 for Permanent Parcel No. 116-34-032 and".

4. In Section 4, lines 1 and 2, strike "No. 20 SF 377" and insert "**Nos. 20 SF 371, 20 SF 370, 20 SF 377, 20 SF 382, 20 SF 392, Request No. 107988**".

Amendments agreed to.

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

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

Ord. No. 331-04.

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

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

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In Section 1, line 4, strike "\$150,000" and insert "**\$200,000**".

2. In Section 2, at the end, insert the following: "**The Director of Parks, Recreation and Properties shall include in the agreement authorized by Section 1 of this ordinance that the program services shall include the Collinwood High School Summer extension.**".

Amendments agreed to.

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

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

Ord. No. 532-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Public Utilities Commission of Ohio CFDA for the PUCO Hazardous Materials Training Program; and authorizing a contract with Cleveland State University to implement the program.

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

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

Ord. No. 623-04.

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

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

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

1. In Section 1, line 2, strike "\$450,000" and insert "**\$397,400**".

2. In Section 3, at the end, add "**The current term of the grant runs from March 4, 2004 through September 30, 2004.**".

Amendments agreed to.

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

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

Ord. No. 702-04.

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

An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development.

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

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

Ord. No. 704-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligi-

ble administrative costs to community development corporations for implementation of the Storefront Renovation Program.

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

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

Ord. No. 707-04.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Fair Housing Program; and authorizing the Director of Community Relations to enter into one or more contracts with various agencies to implement this program.

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

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

Ord. No. 708-04.

By Council Member Cimperman.

An emergency ordinance establishing the Ohio City Historic District (Map Change No. 2117, Sheet No. 1) and Repealing Ordinance No. 523-81 Passed June 21, 1982.

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

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

Ord. No. 763-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive and truck oils, lubricants, and solvents for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 764-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of gasoline and diesel fuels, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 765-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of guard rail elements, posts, end wings, and necessary hardware, for the Division of Streets, Department of Public Service.

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

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

Ord. No. 766-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of gutter broom sets, coreless tube brooms and gutter brooms for Vac-all type sweepers, for the Division of Streets, Department of Public Service.

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

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

Ord. No. 767-04.

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

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service.

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

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

Ord. No. 768-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service.

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

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

Ord. No. 769-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of liquid deicer, for the Division of Streets, Department of Public Service.

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

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

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

Ord. No. 770-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.

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

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

Ord. No. 771-04.

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

An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Ord. No. 772-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of vehicle and equipment batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 773-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of tire recapping services, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 774-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of tire repair road service, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 775-04.

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

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

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

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

Ord. No. 776-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of Daimler Chrysler vehicle parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 777-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 778-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the Medical Center Company to allow and accept the improvements on Circle Drive between Adelbert Road and Cornell Road, as a gift to the City.

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

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

Ord. No. 780-04.

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

An emergency ordinance to supplement Ordinance No. 94-04, passed

February 9, 2004, by adding new Sections 2 and 3 relating to the placement and maintenance of City recycling bins; and to renumber existing Sections 2 and 3 to new Sections 4 and 5.

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

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

Ord. No. 831-04.

By Council Member Jackson. An emergency ordinance authorizing payment of membership dues of the City of Cleveland in various professional organizations.

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

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

Ord. No. 832-04.

By Council Member Jackson. An emergency ordinance authorizing the Director of Finance to enter into one or more requirement contracts without competitive bidding with Dominion East Ohio for the purchase of natural gas transportation services for the City's natural gas accounts; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of one year with a one-year option to renew.

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

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

Ord. No. 833-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the City, to become a subscriber of and enter into a non-exclusive Subscriber Services Agreement with OneCleveland to obtain high-speed, low-cost data connectivity throughout the City of Cleveland.

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

1. In Section 1, line 4, after "building" insert ", excluding City Council offices,".

2. Strike existing Section 3 in its entirety and insert new Section 3 to read as follows:

"Section 3. That the total cost for the remainder of fiscal year 2004 to become a subscriber and to receive basic services under the agreement authorized by this ordinance shall not exceed \$24,905, consisting of a one-time subscriber fee of \$6,000, a prorated basic recurring service fee of \$7,400, and a one-time lateral connection fee of \$11,505. Subject to annual appropriation, the total basic recurring service fee for years 2 through 5 shall not exceed an aver-

age annual fee of \$17,300 at the planned service level for a total cost of not to exceed \$61,795 for all of years 2 through 5. The costs for this agreement as set forth in this Section 3 shall be subject to the approval of the Board of Control and shall be paid from Fund No. 01-999800-632000, Request No. 146207."

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

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

SECOND READING ORDINANCES PASSED

Ord. No. 489-04.

By Council Member Cimperman. An ordinance designating areas of the Central Business District for placement of business signs pursuant to § 512.05 of Chapter 512 of the Codified Ordinances of the City of Cleveland.

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

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

Ord. No. 490-04.

By Council Member Cimperman. An ordinance establishing the Tremont Pedestrian Retail Overlay-Signs (PRO-S) District for purposes of the placement of business signs pursuant to § 512.05 of Chapter 512 of the Codified Ordinances of the City of Cleveland (enacted by Ordinance No. 392-03) and § 343.22(j) of Chapter 343 of the Codified Ordinances of the City of Cleveland (enacted by Ordinance No. 1809-03).

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

1. In Section 1, line 2, strike "490-04-A" and insert "490-04-B".

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

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 541-04.

By Council Member Sweeney (by request).

An emergency resolution declaring the intention to vacate a portion of Springdale Avenue.

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

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

Res. No. 542-04.

By Council Member Westbrook (by request).

An emergency resolution declaring the intention to vacate a portion West 89th Street.

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

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

LAID ON THE TABLE

Ord. No. 1519-03.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contracts without competitive bidding with SBC Communications, Inc. for the purchase of a TANDBERG 6000 telecommunication system, including maintenance and support for a one year period, for the Office of Workforce Development in the Department of Economic Development.

Ord. No. 539-04.

By Council Member Cimperman. An emergency ordinance establishing the Ohio City Historic District (Map Change No. 2117, Sheet No. 1) and Repealing Ordinance No. 523-81 Passed June 21, 1982.

Without objection Ordinance No. 1519-03 and Ordinance No. 539-04 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.


The rules were suspended. Yeas 20. Nays 0. Ordinances Nos. 1519-03 and 539-04 tabled.

MOTION

By Council Member Zone seconded by Council Member Pierce Scott and unanimously carried that the absence of Council Member Patricia Britt be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, May 24, 2004 at 7:00 p.m. in the Council Chambers.


Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 12, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 12, 2004, at 10:30 a.m. with Acting Mayor Chandra presiding.

Present: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Colette Appolito, Acting Director, Office of Equal Opportunity.

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

Resolution No. 275-04.

By Director Mok.

Whereas, pursuant to Ordinance Nos. 930-95, 469-98 and 327-2000 passed respectively by the Cleveland City Council on June 19, 1995, May 18, 1998 and June 12, 2000, and Board of Control Resolution Nos. 446-03 and 523-03, adopted July 30, 2003 and September 3, 2003, respectively, the City, through its Director of Port Control, entered into City Contract Nos. 61840 and 62179 with Standen Contracting Co., Inc. for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contracts "G-02-1" and "A-03-01", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control; and

Whereas, by letter dated April 15, 2004, J. K. Scanlan Company, Inc. and Standen Contracting Co., Inc. requested the City's consent to assign all of Standen Contracting Co., Inc.'s ("Standen") obligations and interests under City Contract Nos. 61840 and 62179 to J. K. Scanlan Co., Inc. ("Scanlan"); and

Whereas, Scanlan proposes to undertake all of Standen's obligations under City Contract Nos. 61840 and 62179 without waiving any of Standen's obligations or the City's rights under the contracts; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the request by J. K. Scanlan Company, Inc. and Standen Contracting Co., Inc. by their April 15, 2004 letter, this Board consents to the assignment of City Contract Nos. 61840 and 62179 for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contracts "G-02-1" and "A-03-01", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control to J. K. Scanlan Company, Inc. effective May 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 Nos. 61840 and 62179. A copy of the consent to assignment of City Contract Nos. 61840 and 62179 shall be filed in the office of the Commissioner of Accounts.

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 276-04.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Mistral Security, Inc., for the necessary items of external explosion-proof trash receptacles (all items), for the various divisions of the Department of Port Control, for the period of two years beginning with the date of execution of a contract, received on the 29th day of January, 2004, pursuant to the authority of Ordinance No. 1597-02, passed on August 14, 2002, which on the basis of the estimated quantity would amount to Thirty Thousand Five Hundred Ten and 00/100 Dollars (\$30,510.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 146101

which shall be certified against such contract in the sum of Thirty Thousand Five Hundred Ten and 00/100 Dollars (\$30,510.00).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 277-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Highway Products for an estimated quantity of various sizes of manhole risers, items 1 through 6, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on December 11, 2003, pursuant to the authority of Ordinance No. 429-03 passed May 12, 2003, which on the

basis of the estimated quantity would amount to Fifty Three Thousand Five Hundred and 00/100 Dollars (\$53,500.00), is hereby affirmed and approved as the lowest and best bid and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139529

which shall be certified against such contract in the sum of Twenty Nine Thousand One Hundred Fifty and 00/100 Dollars (\$29,150.00).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 278-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of General Traffic Inc. for purchase of LED Pedestrian Units used for the installation of traffic signals, Item 1, for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on March 24, 2004, pursuant to the authority of Ordinance No. 244-04, passed April 5, 2004, which on the basis of the estimated quantity would amount to Forty-Eight Thousand Nine Hundred and Sixty and 00/100 Dollars (\$48,960), affirmed and approved as the best bid, and the Director of Public Service is authorized to enter into a requirement contract for such goods which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139782

which shall be certified against such contract in the sum of Thirty Thousand Six Hundred 00/100 (\$30,600).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 279-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ace Equipment Sales, Inc. for an estimated quantity of flat bed body and crane, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on April 7, 2004, pursuant to the authority of Ordinance No. 1683-03, passed by the Council of the City of Cleveland on September 22, 2003, which on the basis of the estimated quantity would amount to Fifty-Six Thousand and 00/100 Dollars (\$56,000.00) (1% COD/Net 10) is hereby affirmed and approved as the lowest and best bid, and the

Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130349 which shall be certified against such contract in the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00).

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

requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Ace Equipment Sales, Inc. for the above mentioned purchase is hereby approved:

Independent Brokers, Ltd.
MBE — \$700.00 per unit — 1.250%

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 280-04.

By Director Watson.

Be it resolved by the Board of Control of the City of Cleveland that the following schedule of fees to be charged to the person(s) responsible for a motor vehicle collision or incident (MVA), or their insurance carrier(s), when the Division of Fire responds to the scene of a MVA, established by the Director of Public Safety, is approved. Fees collected shall be for services rendered including, but not limited to, securing the scene of the accident, the establishment of a safety zone, the extrication of victims if trapped, providing any fire/medical services and the extinguishment of vehicle fires, as necessary.

Schedule of Fees

Time in minutes at the MVA Scene

Charge per Unit	20 or less	21-40	41-60	61-80	81-100	101-120
Equipment						
Fire Engine	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00
Rescue Squad	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00
Ladder Truck	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00	\$ 539.00
Command Vehicle Battalion Chief	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
Command Vehicle Assistant Chief	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
Personnel						
Fire Engine	\$ 54.00	\$ 108.00	\$ 162.00	\$ 216.00	\$ 270.00	\$ 324.00
Rescue Squad	\$ 54.00	\$ 108.00	\$ 162.00	\$ 216.00	\$ 270.00	\$ 324.00
Ladder Truck	\$ 64.00	\$ 128.00	\$ 192.00	\$ 256.00	\$ 320.00	\$ 384.00
Command Vehicle Battalion Chief	\$ 36.00	\$ 72.00	\$ 108.00	\$ 144.00	\$ 180.00	\$ 216.00
Command Vehicle Assistant Chief	\$ 30.00	\$ 60.00	\$ 90.00	\$ 120.00	\$ 150.00	\$ 180.00
Cost of Supplies						
Absorbent	\$ 3.86 per bag					
Fire Extinguisher						
20 lb. Dry Chemical	\$ 16.65					
15 lb. Dry Chemical	\$ 14.85					
Foam	\$ 89.75 per bucket					
Use of Tarps						
6' x 8'	\$ 2.70					
2' x 20'	\$ 9.99					

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 281-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lesco Inc. for an estimated quantity of various fertilizers, pesticides and seed (items 1, 5, 8, 9, 10, 11, 12, 17, 19, 20, 21, 24, 25) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 5th day of March 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to Forty Four Thousand Two Hundred Six and 60/100 Dollars (\$44,206.60), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136776

which shall be certified against such contract in the sum of Six Thousand Two Hundred Eighty-Five and 85/100 Dollars (\$6,285.85), and

Requisition No. 136777

which shall be certified against such contract in the sum of Twelve Thousand Four Hundred Thirty-Seven and 45/100 Dollars (\$12,437.45).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 282-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Advanced Turf Solutions for an estimated quantity of various fertilizers, pesticides and seed (items 2, 3, 4, 6, 7, 13, 14, 15, 16, 18, 22, 23) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 5th day of March 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to One Hundred Five Thousand Two Hundred Forty-One and 50/100 Dollars (\$105,241.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136778

which shall be certified against such contract in the sum of Twenty Seven Thousand Fifty-Four and 25/100 Dollars (\$27,054.25), and

Requisition No. 136779

which shall be certified against such contract in the sum of Twenty Thousand Five Hundred Five and 50/100 Dollars (\$20,505.50).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 283-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Pool Equipment and Supply Company for an estimated quantity of Pool Chemicals (Item 1 and Item 2) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract received on the 21st day of April 2004, pursuant to the authority of Ordinance No. 330-04, passed March 15, 2004 which on the basis of the estimated quantity would amount to Eighty Five Thousand One Hundred and 00/100 Dollars (\$85,100.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136792

which shall be certified against such contract in the sum of Fifty Nine Thousand Six Hundred Thirty and 00/100 Dollars (\$59,630.00).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 284-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for an estimated quantity of Pool Chemicals (Item 3) for the Division of Recreation, Department of Parks,

Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on the 21st day of April 2004, pursuant to the authority of Ordinance No. 330-04, passed March 15, 2004, which on the basis of the estimated quantity would amount to Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$3,750.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136793

which shall be certified against such contract in the sum of Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$3,750.00).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 285-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated quantity of food, food products, beverages, condiments and paper products at Camp Forbes (Bid I: 1-21) (Bid II: 22-179) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract, received on the 14th day of April 2004, pursuant to the authority of Ordinance No. 2043-03, passed December 1, 2003, which on the basis of the estimated quantity would amount to Eighty Two Thousand Seventy Seven and 47/100 Dollars (\$82,077.47), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136796

which shall be certified against such contract in the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting

Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 286-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Co. for an estimated quantity of meals for the 2004 Summer Food Program (all items) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period three (3) months, beginning with the date of execution of a contract received on the 14th day of April 2004, pursuant to the authority of Ordinance No. 2043-03, passed December 1, 2003, which on the basis of the estimated quantity would amount to One Hundred Twenty-Five Thousand Three Hundred Thirty-Seven and 68/100 Dollars (\$125,337.68), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136795

which shall be certified against such contract in the sum of One Hundred Twenty-Five Thousand Three Hundred Thirty-Seven and 68/100 Dollars (\$125,337.68).

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 287-04.

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. 002-35-136 located at West 47th Street in Ward 13; and

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

Whereas, Marcia A. Brentson, 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 13 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 Marcia A. Brentson for the sale and development of Permanent Parcel No. 002-35-136 located at West 47th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 288-04.

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. 008-04-042 located at West 12th Street in Ward 13; and

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

Whereas, Tremont West Development Corporation or designee, 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 13 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 Tremont West Development Corporation or designee for the sale and development of Permanent Parcel No. 008-04-042 located at West 12th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 289-04.

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. 118-09-003 (Southwesterly part of) under said Land Reutilization Program; and

Whereas, Ordinance No. 2455-03 passed May 3, 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, Miller Bailey and Leola Bailey have 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. 2455-03 passed May 3, 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 Miller Bailey and Leola Bailey for the sale and development of Permanent Parcel No. 118-09-003 (Southwesterly part of), 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 \$1.00, 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: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 290-04.

By Director Rush.

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

lization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 002-32-074, 002-32-075 and, 002-32-077 under said Land Reutilization Program; and

Whereas, Ordinance No. 273-04 passed April 26, 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, Denison Homes, 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. 273-04 passed April 26, 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 Denison Homes, Inc. for the sale and development of Permanent Parcel Nos. 002-32-074, 002-32-075 and 002-32-077, 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: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 291-04.

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. 143-01-108 under said Land Reutilization Program; and

Whereas, Ordinance No. 165-04 passed April 26, 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, James A. Moore and Brenda Moore have 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. 165-04 passed April 26, 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 James A. Moore and Brenda Moore for the sale and development of Permanent Parcel No. 143-01-108, 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 \$400.00, which amount is hereby

determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 292-04.

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. 135-07-014, 135-07-015 and 135-07-016 under said Land Reutilization Program; and

Whereas, Ordinance No. 1935-03 passed December 1, 2003, 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, Robert Kirkman 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. 1935-03 passed December 1, 2003, 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 Robert Kirkman for the sale and development of Permanent Parcel Nos. 135-07-014, 135-07-015 and 135-07-016, 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 \$18,000, 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: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 293-04.

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. 104-21-091 under said Land Reutilization Program; and

Whereas, Ordinance No. 2046-03 passed April 19, 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, Bernard Lemon and Eloise Lemon have 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. 2046-03 passed April 19, 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 Bernard Lemon and Eloise Lemon for the sale and development of Permanent Parcel No. 104-21-091, 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 \$1.00, 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: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 294-04.

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. 134-09-016 under said Land Reutilization Program; and

Whereas, Ordinance No. 1754-99 passed March 27, 2000, 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, Renee Stuart 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. 1754-99 passed March 27, 2000, 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 Renee Stuart for the sale and development of Permanent Parcel No. 134-09-016, 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 \$500.00, 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: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

Resolution No. 295-04.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 141-07-088 under said Land Reutilization Program; and

Whereas, Ordinance No. 166-04 passed April 26, 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. or designee 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. 166-04 passed April 26, 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. or designee for the sale and development of Permanent Parcel No. 141-07-088, 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: Acting Mayor and Director Chandra, Directors Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen and Williams.

Nays: None.

Absent: Directors Fumich, Taylor and Acting Director Huth.

JEFFREY B. MARKS, Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO, President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, JUNE 1, 2004

9:30 A.M.

Calendar No. 04-100 4522 South Hills Drive (Ward 15)

Douglas Moore, owner, appeals to install 6' high privacy fence along and parallel to a driveway situated on an approximate 38' x 130' parcel located in a One-Family District on the northwest corner of South Hills Drive and Tampa Avenue at 4522 South Hills Drive; contrary to the Fence Regulations, no portion of a fence located within 30' of the intersection of two street right-of-way lines may exceed 2 1/2' in height, unless all portions of the fence above the 2 1/2' height are at least 75% open and these same restrictions apply to any portion of a fence, located along and parallel to a driveway within 15' of its intersection with a public sidewalk or public street, if no sidewalk is present as stated in Section 358.03(a) of the Codified Ordinances.

Calendar No. 04-101: 17636 Lakeshore Boulevard (Ward 11)

Gerald Westmoreland, owner, appeals to expand the use of one-story, masonry, nonconforming auto repair shop into two separate auto repair shops, situated on a 100' x 155' corner lot located in a Multi-Family District on the southeast corner of Lakeshore Boulevard and Brazil Road at 17636 Lakeshore Boulevard; subject to the provisions for Nonconforming Uses, the proposed expansion requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 04-102: 8713 Vineyard Avenue (Ward 2)

Angie Hubbard, owner, appeals to establish a Type A day care in an existing one family, two-story dwelling, situated on a 35' x 140' parcel located in a Two-Family District on the north side of Vineyard Avenue at 8713 Vineyard Avenue; contrary to the Regulations for Residential Districts, the proposed day care location in a Two-Family District abuts a Two-Family District and may not be less than 30' from an adjoining residential premises not used for a similar purpose and requires the Board of Zoning Appeals review and approval as stated in Section 337.02(f)(3)(C) of the Codified Ordinances.

Calendar No. 04-103: 4702 Franklin Boulevard (Ward 17)

Jack Kline, owner, appeals to erect a 40' x 108' two-story frame, one family dwelling with an attached garage, situated on a 50' x 159' parcel located in a Two-Family District on the north side of Franklin Boulevard at 4702 Franklin Boulevard; contrary to the Regulations for Area Requirements, a maximum gross floor area of 4,760 s/f is proposed for the first and second floor, where 50% of the lot size, or 3,968 s/f, is allowed, as stated in Section 355.05(b) of the Codified Ordinances.

Calendar No. 04-106: 5836 Broadway Avenue (Ward 12)

Family Dollar Store c/o Brad Butler, agent, appeals to erect a one-story 9,180 s/f retail store on an 85' x 150' parcel, located in a General Retail Business District on the southwest corner of Broadway Avenue and Blanche Avenue at 5836 Broadway Avenue; contrary to Section 349.04(f) of the Off-Street Parking and Loading Requirements, no parking is proposed and 19 spaces are required as determined at the rate of one space per 500 s/f of the gross floor area; and under Sections 352.08 through 352.11, a 10' wide landscaping transition strip is required at the rear of the property where it abuts a Residential District; and a 13' setback exists along Broadway Avenue and none is proposed, contrary to the Requirements for Yards and Courts as stated in Section 357.07(a) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 17, 2004

At the meeting of the Board of Zoning Appeals on Monday, May 17, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-88: 17735 Euclid Avenue

Albert Dattilo appealed to change the use of a service station to an auto wash in a Local Retail Business District; subject to conditions.

Calendar No. 04-91: 3815 Whitman Avenue

Craig Huffman appealed to do interior and exterior alterations to a one family dwelling in a Two-Family District.

Calendar No. 04-83: 11409 Orville Avenue

Cleyon Davidson appealed to enclose an existing front porch of a one family dwelling in a Two-Family District; subject to conditions.

The following appeals were **Denied:**

None.

The following appeal was **Withdrawn:**

Calendar No. 04-93: 1400 Brookpark Road

Udelson Brookpark Ltd., owner, and Our Lady of the Wayside, Inc., prospective tenant, appealed to establish use as a used car sales lot an acreage parcel located in a General Industry and Semi-Industry District.

The following appeals were **Postponed:**

Calendar No. 04-89: 3348 West 99th Street postponed to June 1, 2004.

Calendar No. 04-90: 6501 Quimby Avenue postponed to June 7, 2004.

Calendar No. 04-92: 515 East 117th Street postponed to June 1, 2004.

On Monday, May 17, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, May 10, 2004, and said decisions were approved and adopted in Executive Session on Monday, May 17, 2004:

The following appeals were **Approved:**

Calendar No. 04-67: 5500 Courtland Court — Unit 1
Denison Homes appealed to construct a three-story, one family townhouse on a 2,238 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-68: 5500 Courtland Court — Unit 2
Denison Homes appealed to construct a three-story, one family townhouse on a 1,736 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-69: 5500 Courtland Court — Unit 3
Denison Homes appealed to construct a three-story, one family townhouse on a 1,736 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-70: 5500 Courtland Court — Unit 4
Denison Homes appealed to construct a three-story, one family townhouse on a 1,752 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-71: 5500 Courtland Court — Unit 5
Denison Homes appealed to construct a three-story, one family townhouse on a 1,722 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-72: 5500 Courtland Court — Unit 6
Denison Homes appealed to construct a three-story, one family townhouse on a 1,882 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-73: 5500 Courtland Court — Unit 7
Denison Homes appealed to construct a three-story, one family townhouse on a 1,918 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-84: 2708 Barber Avenue
William Rey appealed to erect a 24' x 30' one-story frame garage addition to the west side of a two-story dwelling in a Semi-Industry District.

Calendar No. 04-85: 4925 State Road
The Russian Orthodox Benevolent Brotherhood of Father John Kronstadtsky appealed to install 1,480 l/f of fence with 6' high chain link fence along the northern and eastern perimeter and a 6' high board on board privacy fence along the southerly perimeter of an acreage parcel in Semi-Industry and General Industry Districts; subject to conditions.

Calendar No. 04-86: 2990 West 12th Street
Jeffrey Rutushin appealed to change a two family dwelling to a

three family dwelling in a Two-Family District.

Calendar No. 04-87: 4087 East 81st Street
Anthony Glinski appealed to install a 4' high chain link fence along the front yard setback of a vacant parcel at the north side of a one family dwelling in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 04-75: 2118 Broadview Road
Hikmat and Jan Dakdouk appealed from a Violation Notice issued March 26, 2004 by the Building and Housing Department.

Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 26, 2004
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 26, 2004, at 1:30 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 169-04.

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

Ord. No. 343-04.

By Council Member Conwell.
An ordinance to change the zoning of parcels along Superior Avenue between East 114th and Lakeview from General Retail to Local Retail Business District (Map Change No. 2114, Sheet No. 8)

Ord. No. 344-04.

By Council Member Conwell.
An ordinance to change the zoning of parcels along Superior between Parkwood and East 115th Street from General Retail to Multi-Family Residential Use District (Map Change No. 2113, Sheet No. 8)

Ord. No. 491-04.

By Council Member Zone.
An ordinance to change the zoning of parcels along Courtland Court between West 54th and West 57th Streets from a Two-Family Residential Use District to an RA2 Townhouse District (Map Change No. 2116, Sheet No. 1)

Ord. No. 637-04.

By Council Member Pierce Scott.
An ordinance to change the zoning of parcels along the north side of Superior Avenue between East 101st and East 103rd Streets from a Single-Family Residential Use District, a Multi-Family Residential Use District, and a Local Retail Business Use District to an RA-2 Townhouse Use District and a Planned Unit Development (PUD) Overlay District; from "B," "C," and "D" Area Districts to a "C" Area District; and from a "1" Height District to a "2" Height District (Map Change No. 2122, Sheet No. 4).

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

JOSEPH C. CIMPERMAN
Chairman
Committee on City Planning

May 12, 2004 and May 19, 2004

NOTICE OF PUBLIC HEARING

**Public Utilities Committee
Thursday, May 27, 2004
9:30 A.M.**

The Public Utilities Committee of Cleveland City Council will hold an initial public hearing on Thursday, May 27, 2004, at 9:30 a.m. in the Mercedes Cotner Committee Room for the purpose of commencing City Council's cable television franchise renewal process with Adelphia Cleveland LLC. This initial public hearing invites comment from the general public and interested organizations and persons with respect to: (1) the performance of Adelphia Cleveland LLC under its current franchise with the City of Cleveland; and (2) determination of the future cable-related needs and interests of the community.

All interested persons and organizations are encouraged to attend and to comment upon these issues.

ROOSEVELT COATS
Chairman
Committee on Public Utilities

May 19, 2004 and May 26, 2004

CITY OF CLEVELAND BIDS

For All Departments

Scaled 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."

THURSDAY, MAY 27, 2004

Office Paper Recycling Program (Sale of Products), for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Section 181.18, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, MAY 21, 2004, AT 3:30 P.M., CHARLES V. CARR CENTER, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

May 12, 2004 and May 19, 2004

WEDNESDAY, JUNE 2, 2004

Decorative Outdoor Lighting Installation, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1154-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, MAY 27, 2004, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 12, 2004 and May 19, 2004

WEDNESDAY, JUNE 2, 2004

Davinwood Park Playground Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1114-02 and Ordinance No. 2151-03, passed by the Council of the City of Cleveland, June 17, 2002 and December 15, 2003.

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, MAY 27, 2004

AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, MAY 28, 2004 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL (RED CONFERENCE ROOM), 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

May 19, 2004 and May 26, 2004

THURSDAY, JUNE 3, 2004

Tree Trimming, for the Division of Parks, Maintenance & Properties, Department of Parks, Recreation & Properties as authorized by Ordinance No. 95-04, passed by the Council of the City of Cleveland, March 15, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, MAY 27, 2004, AT 11:00 A.M., URBAN FORESTRY, GREENHOUSE CONFERENCE ROOM, 750 E. 88TH STREET, CLEVELAND, OHIO 44108.

May 19, 2004 and May 26, 2004

FRIDAY, JUNE 4, 2004

Swimming Pool Heater for Thurgood Marshall Recreation Center, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 163-04, passed by the Council of the City of Cleveland, February 2, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 27, 2004 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BLDG. #1, CLEVELAND, OHIO 44105.

May 19, 2004 and May 26, 2004

WEDNESDAY, JUNE 9, 2004

Natural Gas, for Various Divisions, Department of Finance, as authorized by Ordinance No. 832-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JUNE 1, 2004 AT 2:30 P.M., CITY HALL, 601 LAKESIDE AVE., ROOM 104, CLEVELAND, OHIO 44114.

May 19, 2004 and May 26, 2004

THURSDAY, JUNE 10, 2004

House of Corrections Site Development and Landscaping, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 478-98, passed by the Council of the City of Cleveland, June 1, 1998.

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, MAY 27, 2004, AT 2:00 P.M., HOUSE OF CORRECTIONS VISITATION ROOM, 4041 NORTHFIELD ROAD, HIGHLAND HILLS, OHIO 44122.

May 19, 2004 and May 26, 2004

WEDNESDAY, JUNE 16, 2004

Euclid Avenue Water Main Replacement Phase II and III, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2451-03 and 2307-03, passed by the Council of the City of Cleveland, April 14, 2003 and November 24, 2003.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JUNE 1, 2004 AT 9:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

Labor and Materials Necessary to Clean and Maintain Oil/Water Separators, Sewers, Electrical Vaults, Holding Tanks, Lift Stations, and Associated Appurtenances, including Testing and Disposal of Waste Materials, for Various Division, Department of Port Control, as authorized by Ordinance No. 1218-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JUNE 9, 2004, AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

May 19, 2004 and May 26, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 859-04.
By Council Member Cimperman.
An emergency resolution objecting to a New C1 Liquor Permit at 1672 Center Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at John W. Hickey, DBA C B Take Out, 1672 Center Street, Cleveland, Ohio, 44113, Permanent Number 38219180005; 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 John W. Hickey, DEB C B Take Out, 1672 Center Street, Cleveland, Ohio 44113, Permanent Number 38219180005 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 May 10, 2004.
Effective May 13, 2004.

Res. No. 866-04.

By Council Member O'Malley.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 6501 Denison Avenue and repealing Resolution No. 2464-03, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 6501 Denison Avenue by Resolution No. 2464-03 adopted by the Council on December 15, 2003; and

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

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

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

Section 1. That objection to a New C1 Liquor Permit to Hanini 7 Oil, Inc., DEB West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 3571080, be and the same is hereby withdrawn and Resolution No. 2464-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted May 10, 2004.
Effective May 13, 2004.

Res. No. 867-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3600 East 116th Street and repealing Resolution No. 1345-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3600 East 116th Street by Resolution No. 1345-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Tuz, Inc., 3600 East 116th Street, Cleveland, Ohio 44105, Permanent Number 9115172 be and the same is hereby withdrawn and Resolution No. 1345-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 10, 2004.
Effective May 13, 2004.

Res. No. 868-04.

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

An emergency resolution supporting the Hagel-Harkin Amendment to the Individuals with Disabilities Education Act (IDEA), which would provide an additional, mandatory \$2 billion per year to the IDEA.

Whereas, the Individuals with Disabilities Education Act (IDEA) was passed by the United States Congress in 1975; and

Whereas, the IDEA guarantees disabled students a free and public education in the least restrictive environment possible; and

Whereas, the IDEA authorized the federal government to pay for 40% of the costs school districts spend to educate a disabled student; and

Whereas, however, Congress has never appropriated the full 40%; and

Whereas, President Bush's FY 2005 education budget proposes a \$1 billion increase in IDEA funding, which would bring the total funding to IDEA to \$11.7 billion; and

Whereas, this increase would provide 19.7% of the national average per pupil expenditure, which is still only half of the "full funding" level that Congress committed to paying when the IDEA passed in 1975; and

Whereas, funding for special education affects all students, not just those with disabilities because in order to make up for the federal funding shortfall, many schools are forced to take money from their general education budgets to provide for services within their IDEA budget, which they are obligated to provide by law; and

Whereas, although President Bush has increased funding for IDEA in the past several years, the annual increase of \$1 billion a year will not reach the promised level of 40% until 2035; and

Whereas, local governments cannot afford to wait that long for funding; and

Whereas, the Hagel-Harkin Amendment to the IDEA, which will be introduced this week to the U.S. Senate, will provide \$2 billion per year in mandatory funding to IDEA in addition to the amount appropriated by Congress; and

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

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

Section 1. That this Council hereby supports the Hagel-Harkin Amendment to the Individuals with Disabilities Education Act (IDEA) which would provide an additional, mandatory \$2 billion per year to the IDEA.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all appropriate members of United States Congress and the appropriate representatives of the National League of Cities.

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

Adopted May 10, 2004.
Effective May 13, 2004.

Ord. No. 2404-03.
By Council Members Gordon, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Oh, 1976, by enacting new Sections 3116.01, 3116.02, 3116.03, 3116.04, 3116.05, 3116.06, 3116.07, 3116.08, 3116.09, 3116.10, 3116.11, and 3116.12 relating to construction and post-construction site runoff control to municipal separate storm sewer system.

Whereas, storm water runoff from lands modified by human activities can harm surface water and, in turn, cause or contribute to an exceedance of water quality standards by changing natural hydrologic patterns, accelerating natural stream flows, destroying aquatic habitat, and elevating pollutant concentrations and loadings; and

Whereas, runoff may contain high levels of contaminants, such as sediment, suspended solids, nutrients, heavy metals, pathogens, toxins, oxygen-demanding substances, and floatables; and

Whereas, if unregulated, storm water runoff carries these pollutants into nearby streams, rivers, lakes, estuaries, and wetlands; and

Whereas, individually and combined, these pollutants impair water quality, threatening designated beneficial uses and causing habitat alteration and destruction; and

Whereas, through rules adopted under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.) and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), the United States Environmental Protection Agency and the Ohio Environmental Protection Agency have mandated that the City adopt ordinances controlling runoff from construction activities; and,

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 3116.01, 3116.02, 3116.03, 3116.04, 3116.05, 3116.06, 3116.07, 3116.08, 3116.09, 3116.10, 3116.11, and 3116.12 to read as follows:

CHAPTER 3116
Construction and
Post-Construction Site Runoff
Control to Municipal Separate
Storm Sewer System

Section 3116.01 Definitions

The definitions contained in Ohio Environmental Protection Agency General Permit Number "OHC000002", entitled "Authorization For Storm Water Discharges Associated With Construction Activity Under the National Pollutant Discharge Elimination System" in effect at the time a permit is applied for under this Chapter, shall apply to this Chapter, except for the following:

(a) "Applicant" means any person requesting a construction runoff control permit for land-disturbing activity.

(b) "Director" means the Director of Building and Housing or his designee.

(c) "Land-disturbing activity" means any land change, including but not limited to clearing, grading, excavating, transporting, and filling of land, which may result in soil erosion from water or wind and the movement of sediments into the waters or onto adjacent properties.

(d) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, or any other legal entity.

Section 3116.02 General Provisions

(a) *Lands to Which This Chapter Applies.* This chapter shall apply to all areas drained by the City of Cleveland's municipal separate storm sewer system. These areas have been identified in Appendix H of the City of Cleveland's Storm Water Management Program, dated March 2003, which was developed as a requirement for coverage under the Ohio Environmental Protection Agency General Permit Number "OHC000001", entitled "Authorization For Small Municipal Separate Storm Water Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System" in effect at the time a permit is applied for under this Chapter. This program, with accompanying appendices, and any revisions, is adopted by reference and declared to be a part of this Chapter. The program is on file with the City of Cleveland Public Administration Library, 601 Lakeside Ave., Cleveland, Ohio 44114.

(b) *Conflict with Other Regulations.* This chapter is intended to be supplemental to any city regulation, or policy governing the development of land, the removal of soil or other land-disturbing activity. The most restrictive standards imposed by any city ordinance, regulation, or policy shall apply.

Section 3116.03 Permit Required

(a) It shall be unlawful for any person to undertake any land-disturbing activity without first obtaining a permit from the Director.

(b) It shall be unlawful for any permittee to fail to comply with their permit.

Section 3116.04 Permit Application; Fee

(a) The Director may charge a permit application fee as established from time to time by the Board of Control.

(b) Any person desiring a permit required by this chapter shall file an application with the Director. The application shall consist of:

(1) The permit application fee;

(2) Two (2) or more copies of the storm water pollution prevention plan; and

(3) Two (2) copies of a completed Notice of Intent, both prepared under the Ohio Environmental Protection Agency General Permit Number "OHC000002", entitled "Authorization For Storm Water Discharges

Associated With Construction Activity Under the National Pollutant Discharge Elimination System", in effect at the time a permit is applied for under this Chapter.

Section 3116.05 Approval or Disapproval of Storm Water Pollution Prevention Plan

(a) The Director shall review storm water pollution prevention plans submitted to him and grant written approval without unreasonable or unnecessary delay if he determines that the plan meets the requirements prescribed in this chapter.

(b) When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant. The notice shall specify the modifications, terms and conditions that are necessary for approval of the plan.

Section 3116.06 Issuance and Term of Permit; Appeal

(a) The Director shall issue a permit certifying approval of the land-disturbing activity upon:

(1) Approval of the storm water pollution prevention plan;

(2) Submission of proof that the applicant has received approval from the Director of the Ohio Environmental Protection Agency for coverage as required by the Ohio Environmental Protection Agency NPDES General Permit OHC000002 in effect at the time a permit is applied for under this Chapter; and

(3) The applicant's compliance with the bond and insurance requirements of Chapter 3107 of these codified ordinances.

(b) Any denial of a permit under the provisions of this Chapter may be appealed to the Board of Building Standards and Building Appeals as provided in the Charter and in Section 3103.20.

Section 3116.07 Periodic Inspections of Land-disturbing Activities

The Director may make periodic inspections of land-disturbing activities to ensure compliance with the approved storm water pollution prevention plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation resulting from the land-disturbing activity. The right of inspection shall be inherent in the issuance of the permit under this chapter.

Section 3116.08 Amendment of Approved Plan

A storm water pollution prevention plan approved under this Chapter may be amended by the Director in the following cases:

(a) Where inspection reveals that the plan is inadequate to satisfy applicable regulatory provisions; or

(b) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and the person proposes amendments to the plan consistent with the requirements of this chapter.

Section 3116.09 Final Inspection and Certificate of Completion of Land-disturbing Activities

(a) Within forty five (45) days of completing all permitted land-disturbing activity, the permittee shall notify the Ohio Environmental Protection Agency and Director by submitting a Notice of Termination on the form provided by the Ohio Environmental Protection Agency. The Director shall make a final inspection of the project. On finding satisfactory evidence of compliance with the approved storm water pollution prevention plan and the achievement of adequate stabilization, the Director shall issue a certificate of completion. "Adequate stabilization" of the site shall be determined by the Director.

(b) The permittee, or any person identified in an approved storm water pollution prevention plan as responsible for the continuing obligations for the maintenance of post-construction best management practices, shall not be relieved of those continuing obligations by the issuance of a certificate of completion.

Section 3116.10 Periodic and Final Inspection Fees

The Director is authorized to charge fees at the time of a periodic or final inspection according to an inspection fee schedule fixed from time to time by the Board of Control.

Section 3116.11 Waivers

The Director may waive or modify any of the regulations that are deemed inappropriate or too restrictive on the applicant's proof of compliance with the waiver conditions contained in the Ohio Environmental Protection Agency General Permit Number "OHC000002", entitled "Authorization For Storm Water Discharges Associated With Construction Activity Under the National Pollutant Discharge Elimination System" in effect at the time a permit is applied for under this Chapter.

Section 3116.12 Severability

If any portion of this chapter, or any section or part of a section shall be declared by a court of competent jurisdiction to be invalid, the declaration shall be limited solely to that portion, section, or part of a section that was directly involved in the controversy before the court on which judgment was rendered and shall not affect or impair the validity of the remainder of the chapter.

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

Passed May 10, 2004.

Effective May 13, 2004.

Ord. No. 2437-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a loan from the Cuyahoga County Brownfield Redevelopment Fund to partially finance the acquisition, redevelopment, and environmental remediation of property located at 3781 East 77th Street; authorizing the Commissioner of Purchases and Supplies to purchase the property; authorizing the Director to enter into a contract with General Investment Funds Real Estate Holding Company to provide economic development assistance to partially finance the acquisition, redevelopment, and environmental remediation of the property located at 3781 East 77th Street and all other associated costs to redevelop the property; and authorizing the Commissioner of Purchases and Supplies to convey the property to General Investment Funds Real Estate Holding Company.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a loan from the Cuyahoga County Brownfield Redevelopment Fund ("CCBRF") in an amount not to exceed \$1,000,000 to partially finance the acquisition, redevelopment, and environmental remediation of property located at 3781 East 77th Street.

Section 2. That the Director of Economic Development is authorized to enter into a loan agreement with Cuyahoga County for the loan described above, which loan agreement shall contain the terms set forth in File No. 2437-03-A, and shall contain any additional terms that the Director of Law deems necessary to protect and benefit the public interest. The Director of Economic Development is further authorized to file all papers and execute all documents necessary to receive the funds under the loan agreement, and the loan funds are appropriated for the purposes contained in the loan agreement.

Section 3. That on execution of the loan agreement, the Director of Economic Development is authorized to repay the loan funds to the CCBRF under the terms and conditions of the loan agreement, from the fund or funds designated for that purpose and appropriated for that use.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property located at 3781 East 77th Street for future redevelopment:

3781 East 77th Street
Parts of Original One Hundred Acre Lots Nos. 315, 319, 447 and 455, and bounded and described as follows:

Beginning on the Northerly line of Marble Avenue S.E., at its intersection with the Northwesterly line of East 78th Street;

Thence Westerly along said Northerly line of Marble Avenue, S.E., about 453.52 feet to its intersection with the Easterly line of East 77th Street;

Thence Northerly along the Easterly line of said East 77th Street, about 600 feet to its intersection with the Southerly line of Osage Avenue, S.E.;

Thence Easterly along said Southerly line of Osage Avenue, S.E., about 66.25 feet to an angle therein;

Thence Easterly continuing along said Southerly line of Osage Avenue, S.E., about 78.26 feet to an angle therein;

Thence Easterly and continuing along said Southerly line of Osage Avenue, S.E., about 307.40 feet to its intersection with the Southwesterly line of said East 78th Street;

Thence Southeasterly along said Southwesterly line of East 78th Street, about 374.60 feet to an angle therein;

Thence Southwesterly along the Northwesterly line of said East 78th Street, about 275.18 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 5. That the Director of Economic Development is authorized to enter into a loan agreement with General Investment Funds Real Estate Holding Company ("General Investment") to provide economic development assistance to partially finance the acquisition, redevelopment, and environmental remediation of the property located at 3781 East 77th Street, and all other associated costs to redevelop the property located in Cleveland, Ohio.

Section 6. That the terms of the loan shall be according to the terms set forth in the summary contained in the file referenced above.

Section 7. That the Director of Economic Development is authorized to accept the collateral as set forth in the summary contained in the file referenced above in order to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 8. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006. The monies are appropriated for the purpose of repaying the CCBRF referenced in this ordinance.

Section 9. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 10. That the Director of Law is authorized to prepare the loan agreement and other docu-

ments that are appropriate to complete the transaction.

Section 11. That the Director of Economic Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with General Investment, for the acquisition, disposition, and private redevelopment of the property described above.

Section 12. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above to General Investment at a price to be determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 13. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such necessary provisions, including any restrictive reversionary interests as may be specified by the Board of Control or Director of Law, to protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 14. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents and agreements to acquire, remediate, and convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and environmental remediation, and all other costs necessary for the acquisition and remediation of the property.

Section 15. That the costs for the loan to General Investment, acquisition, redevelopment, and environmental property remediation shall be paid from the fund or funds which are credited the proceeds of the Cuyahoga County Brownfield Redevelopment Fund loan accepted under this ordinance.

Section 16. 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 May 10, 2004.
Effective May 13, 2004.

Ord. No. 323-04.
By Council Members Coats, Polensek, Cimperman and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Nottingham Flocculation/Sedimentation/Residuals Project; determining the method of making the public improvement

of constructing the improvements; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$21,000,000 to provide funding for the Nottingham Flocculation/Sedimentation/Residuals Project (the "Improvement").

Section 2. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, according to terms contained in File No. 323-04-A, and shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

Section 3. That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvement described above, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 7. That the cost of the Improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, from the funds and

subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which are authorized for this purpose, and from the fund or subfunds which are credited the loan proceeds received as authorized by this ordinance, Request No. 147902.

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

Passed May 10, 2004.
Effective May 13, 2004.

Ord. No. 324-04.
By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing the Denison Avenue water main; authorizing the Director of Public Utilities to enter into one or more contracts for the making of the public improvement and authorizing the director to accept rights of entry from private property owners.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of replacing the Denison Avenue water main, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, and from the funds and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which are authorized for this purpose, Request No. 142827.

Section 5. The Director of Public Utilities is authorized to accept rights of entry from private property owners where access to private property is necessary to install pressure regulating devices at individual residences.

Section 6. That the rights of entry shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the City's interests.

Section 7. That the work authorized by this ordinance may include installation of pressure regulating devices at individual residences in the Denison area served by the Denison Avenue water main.

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

Passed May 10, 2004.
Effective May 13, 2004.

Ord. No. 325-04.
By Council Members Westbrook, White and Jackson (by departmental request).

An emergency ordinance to amend Sections 571.01 and 571.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to definitions and identification badges.

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

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

Section 1. That Sections 571.01 and 571.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1819-50, passed December 4, 1950 and Ordinance No. 1117-92, passed June 15, 1992, are amended to read as follows:

Section 571.01 Definitions

(a) "Airports" means all property comprising Cleveland Hopkins International Airport, Burke Lakefront Airport and all airports owned and operated by the City.

(b) "Airport Management" means the Director of Port Control or his duly authorized representative.

(c) "Airport Security Program" means the comprehensive plan for security requirements and procedures at Cleveland Hopkins International Airport, including rules, regulations, and procedures for the issuance, display, use, and return of identification badges, as that plan is approved by the Transportation Security Administration or its equivalent ("TSA").

(d) "Control tower" means the agency assigned to the actual control of air traffic at each individual airport.

(e) "Person" means any individual, firm, copartnership, corporation, company, association or agency.

(f) "Secured Area" means the Security Identification Display Area, Air Operations Area, or sterile areas at Cleveland Hopkins International Airport, as those areas are defined by the TSA.

Section 571.061 Identification Badges

(a) The Director of Port Control or the Director's designee shall be authorized to issue and revalidate identification badges in accordance with the rules, regulations, and directives (collectively, "Regulations") of the Transportation Security Administration or its equivalent ("TSA").

(b) An identification badge issued by the Director of Port Control or the Director's designee shall be possessed and displayed in accordance with TSA Regulations and the Airport Security Program. Identification badges shall be of a design and contain such information as is determined by the Director of Port Control in accordance with TSA Regulations.

(c) Any person with an identification badge issued under division (a) of this section shall return the badge to the Department of Port Control within twenty-four (24) hours of a determination by the Director of Port Control or the Director's designee that the person no longer has access to a Secured Area at the Airport. The reasons for this determination include, termination or suspension from employment; change in duties of employment; breach, termination or expiration of a City contract; and any additional reasons as set forth in TSA Regulations or in the Airport Security Program.

(d) The Director of Port Control or the Director's designee may assess and collect fees or charges related to Secured Area identification badges in accordance with the following schedule:

(1) Fifty Dollars (\$50.00) for the replacement of a lost or missing badge;

(2) One Hundred Dollars (\$100.00) for any badge not returned to the Department of Port Control within twenty-four (24) hours of a determination that a person no longer has access to a Secured Area at the Airport under division (c) of this section;

(3) One Hundred Dollars (\$100.00) for any person who does not properly obtain an identification badge upon being hired as an employee required to work within a Secured Area, or revalidate an identification badge within the period required by TSA Regulations;

(4) Twenty-five Dollars (\$25.00) for any person who commits a first violation, involving an identification badge, of TSA Regulations or the Airport Security Program; and

(5) Fifty Dollars (\$50.00) for any person who commits a second violation within twelve (12) months of a first violation, involving an identification badge, of TSA Regulations or the Airport Security Program.

(e) Airport tenants, contractors and subcontractors, and any person or entity that has been issued a Secured Area identification badge, shall be responsible for assuring the

compliance of their officers, employees, agents, contractors, and subcontractors with the requirements of this section, TSA Regulations, and the Airport Security Program, and shall be responsible for the payment of any fees and charges assessed against those persons and entities under division (d) of this section.

Section 2. That existing Sections 571.01 and 571.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1819-50, passed December 4, 1950 and Ordinance No. 1117-92, passed June 15, 1992, are repealed.

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

Passed May 10, 2004.
Effective May 13, 2004.

Ord. No. 326-04.
By Council Members Westbrook, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.062 relating to fingerprinting.

Whereas, in order to enhance airport terminal security, the Federal Aviation Administration ("FAA") promulgated rules requiring the City, by December 6, 2002, to fingerprint every person employed in a Secured Area at Cleveland Hopkins International Airport ("Airport") and every applicant for employment in a Secured Area at the Airport (collectively, "Secured Area Access Persons"), to perform criminal-history records checks; and

Whereas, as of January 28, 2002, the City acquired and implemented an automated fingerprinting system to fingerprint Secured Area Access Persons; and

Whereas, the City has committed financial and personnel resources to fingerprint Secured Area Access Persons; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 571.062 to read as follows:

Section 571.062 Fingerprinting

(a) The Director of Port Control or the Director's designee shall be authorized to fingerprint Secured Area Access Persons and process all fingerprints under the rules, regulations, and directives (collectively, "Regulations") of the Transportation Security Administration, successor entity to the FAA, or its equivalent ("TSA").

(b) The Director of Port Control or the director's designee may

assess and collect fees or charges (collectively, "Fees") related to fingerprinting under the following schedule:

(1) A charge to reimburse the City for its cost as set by the TSA, to electronically transmit the fingerprints of each Secured Area Access Person to the Aviation Security Clearinghouse, or its equivalent, to transmit the fingerprints to the Federal Bureau of Investigations to perform a criminal-history record check;

(2) A reasonable administrative fee, to be determined in writing by the Director or the Director's designee, to reimburse the City for additional administrative costs incurred to fingerprint Secured Area Access Persons and process all such fingerprints.

(c) City employees and Airport volunteers shall be exempt from the Fees set forth in division (b) of this section.

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

Passed May 10, 2004.

Effective May 13, 2004.

Ord. No. 352-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 47th Street to Palsa Development, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-24-053, as more fully described below, to Palsa Development, Inc.

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

P. P. No. 104-24-053

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being parts of Sublot Nos. 71 and 72 in Alexander McIntosh's Subdivision of part of Original Ten Acre Lots Nos. 125 and 126, as shown by the recorded plat in Volume 11 of Maps, Page 51 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northeasterly line of East 47th Street (formerly Hoadley Street) at the most Westerly corner of said Sublot No. 72; thence Northeasterly 146.84 feet along the Northwesterly line of said Sublot No. 72 to the most Northerly corner thereof; thence Southeasterly 48.50 feet along the Northeasterly line of said Sublot Nos. 72 and 71 to a point, thence Southwesterly 58.84 feet parallel to said Southeasterly line of Sublot No. 72 to a point; thence Northwesterly 18.50 feet, parallel to said Northeasterly line of East 47th Street to a point; thence Southwesterly 88.00 feet parallel to said Southeasterly line of Sublot No. 72 to a point in said Northeasterly line of East 47th Street; thence Northwesterly 30.00 feet along said Northeasterly line of East 47th Street, to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed May 10, 2004.

Effective May 13, 2004.

Ord. No. 534-04.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Buckeye Area Development Corporation.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-091, as more fully described below, to Buckeye Area Development Corporation.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 128-03-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows; to wit: And known as being Sublot No. 49 in Barbara and Albert Stastny Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records and being 36 feet front on the Westerly side of East 112th Street (formerly East May Street) and extending back 120.98 feet on the Northerly side, 120.87 feet on the Southerly line and having a rear line of 36 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-122 as more fully described below to Buckeye Area Development Corporation.

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

P. P. No. 128-03-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 12 in Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24

of Cuyahoga County Records and being 40 feet front on the Easterly side of East 110th Street, (formerly Ferncliffe Street), and extending back of equal width 130 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-128 and 128-03-124 as more fully described below, to Buckeye Area Development Corporation.

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

P. P. Nos. 128-03-128 and 128-03-124
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in Barbara and Albert Stasny's Allotment of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 110th Street, and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-125 as more fully described, to Buckeye Area Development Corporation.

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

P. P. No. 128-03-125
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Barbara and Albert Stasny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records. Said Sublot No. 9 has a frontage of 40 feet on the Easterly side of East 110th Street and extends back between parallel lines 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-03-126 as more fully described below, to Buckeye Area Development Corporation.

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

P. P. No. 128-03-126
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 8 in Barbara and Albert

Stasny's Subdivision of part of Original One Hundred Acre Lot Nos. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 110th Street, (formerly Ferncliffe Street) and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-04-080 as more fully described below, to Buckeye Area Development Corporation.

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

P. P. No. 128-04-080
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in John Suchy's Subdivision No. 2 of part of Original One Hundred Acre Lot Nos. 419 and 427, as shown by the recorded plat in Volume 41 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Applewood Avenue, (now known as East 115th Street), 147.51 feet deep on the Southerly line, 149.24 feet deep on the Northerly line, and 40.04 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. 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 May 10, 2004.

Effective May 13, 2004.

Ord. No. 535-04.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 115th Street to Dimitri Salivaras.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 120-09-034 and 120-09-035, as more fully described below, to Dimitri Salivaras.

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

P. P. No. 120-09-034
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1 in M.B. Luken's Subdivision of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 7 of Maps, Page 29 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 115th Street (formerly O'Connor Street) at a point distant Northerly measured along said Westerly line 105 feet from its point of intersection with the Northerly line of Ashbury Avenue N.E., (formerly Crawford Avenue); thence Westerly parallel with the Northerly line of Ashbury Avenue N.E., about 71 feet 4 inches to a point in the Westerly line of said Sublot No. 1; thence Northerly along the Westerly line of Sublot No. 1, a distance of 40 feet to a point; thence Easterly parallel with the first described line, about 71 feet 4 inches to a point in the Westerly line of East 115th Street; thence Southerly along said Westerly line, 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 120-09-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 1 and 5 in M.B. Lukin's Allotment of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 7 of Maps, Page 29 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Westerly line of East 115th Street (formerly O'Connor Street) at the Northeasterly corner of land conveyed by Elisha C. Bower and wife, to Hattie A. Randall by deed dated December 26, 1889 and recorded in Volume 454, Page 616 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Randall and the prolongation Westerly thereof about 95 4/12 feet to the Westerly line of said Sublot No. 1; thence Northerly along the Westerly line of said Sublot No. 1, 25 feet to the Northerly line of said Sublot No. 1 (which is also the Southerly line of said Sublot No. 5); thence Westerly along the Southerly line of said Sublot No. 5, to the Southeasterly corner of land conveyed by Elisha C. Bowen to Ellen S. Bowen and Hattie D. Bowen, by deed dated June 21, 1890 and recorded in Volume 475, Page 578 of Cuyahoga County Records; thence Northerly along the Easterly line of land conveyed as last aforesaid, 15 feet; thence Easterly parallel with the Southerly line of said Sublot No. 5, 150 feet to the Westerly line of said East 115th Street; thence Southerly along said Westerly line of East 115th Street, 40 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed May 10, 2004.
Effective May 13, 2004.

Ord. No. 625-04.
By Council Members White, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue; and to allow the City to utilize the Broadway YMCA gymnasium for youth activities.

Whereas, under Ordinance No. 1759-85, passed June 24, 1985, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 35620 with the Young Men's Christian Association for the rental of the Broadway YMCA facilities located at 11300 Miles Avenue for the purpose of providing recreational facilities and activities for the City's youth; and

Whereas, under various ordinances, this Council authorized modifications to the Lease Agreement; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into amendment to Lease Agreement No. 35620 with the Young Men's Christian Association ("YMCA") for the continued rental of the Broadway YMCA facilities located at 11300 Miles Avenue, Cleveland, Ohio, 44105 for the purpose of providing recreational facilities and activities for the City's youth and the continued utilization of the Broadway YMCA gymnasium for a youth basketball program.

Section 2. That the amendment shall extend the term of the agreement for one year to December 31, 2004, and in consideration for the extension of the term, the City shall pay the YMCA an additional rental of \$125,000. This extension shall be paid from Fund No. 01-700401-638000, Request No. 136756.

Section 3. That the amendment shall be prepared and approved by the Director of Law and shall contain such provisions as the Director of Law shall deem necessary to protect the public interest.

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 May 10, 2004.
Effective May 13, 2004.

Ord. No. 626-04.
By Council Members Johnson and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$100,000.00, payable from Fund No. 01-700401-638000, Request No. 136771.

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

Passed May 10, 2004.
Effective May 13, 2004.

Ord. No. 690-04.
By Council Member Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of ready mix concrete, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the

Board of Control determines. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104786)

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 May 10, 2004.

Effective May 13, 2004.

Ord. No. 699-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of hardware, software, training, and other items that are necessary to operate an electronic booking system, for the Department of Parks, Recreation and Properties.

Whereas, the Convention and Visitors Bureau of Greater Cleveland has indicated a desire to make a gift of hardware, software, training, and other items that are necessary to operate an electronic booking system, valued in excess of \$10,000, to the Department of Parks, Recreation and Properties; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to accept on behalf of the Department of Parks, Recreation and Properties hardware, software, training, and other items that are necessary to operate an electronic booking system, valued in excess of \$10,000, from the Convention and Visitors Bureau of Greater Cleveland.

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

Passed May 10, 2004.

Effective May 13, 2004.

Ord. No. 706-04.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30, from the United States Government; 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 Community Development Block Grant funds in the amount of Eight Hundred Ten Thousand Dollars (\$810,000) from Fund Nos. 14 SF 030 and 14 SF 027, Request No. 125761, are appropriated for costs of the Department of Parks, Recreation and Properties incurred from Fund 13 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

Section 3. That prior to expending funds under this ordinance, the Director of Parks, Recreation and Properties and the Director of Community Development shall enter into a memorandum of understanding for this program.

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 May 10, 2004.

Effective May 13, 2004.

Ord. No. 779-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance to amend Section 12 and Section 13 of Ordinance No. 2144-03, passed January 5, 2004; and to amend Section 1 and Section 6 of Ordinance No. 69-04, passed January 12, 2004, relating to improvements at the facility located at 205 St. Clair Avenue.

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

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

Section 1. That Section 12 and Section 13 of Ordinance No. 2144-03,

passed January 5, 2004, is amended to read as follows:

Section 12. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 183, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, 13 SF 996, 13 SF 998, 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, 01-400100-693000, from the fund or funds appropriated for use by the Cleveland Municipal Court that include this purpose, and from the fund or funds authorized in Ordinance No. 69-04, passed January 12, Request No. 115228.

The contribution of the Division of Water for the cost of Phase I work shall not exceed \$960,300. The total project cost shall not exceed the amounts identified in the funds listed above.

Section 13. 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.

Section 2. That Section 12 and Section 13 of Ordinance No. 2144-03, passed January 5, 2004, is repealed.

Section 3. That Sections 1 and 6 of Ordinance No. 69-04, passed January 12, 2004, are amended to read as follows:

Section 1. That this Council authorizes and approves one or more contracts with Schirmer Construction Company, in the total sum of not to exceed \$6,250,000.00 for completion of all Phase I work, consisting of the public improvement of the emergency rehabilitation, renovation, reconstruction, or otherwise improvement of portions of the facility located at 205 St. Clair Avenue for the purpose of constructing a data center, emergency operations command center, and related program spaces for the use of the City of Cleveland, which improvement includes but is not limited to repairing the roof, and improvements to the 1st floor lobby and the 4th and 5th floors of the facility located at 205 St. Clair Avenue.

Section 6. That the costs of the contract or contracts shall be payable from Fund Nos. 11 SF 006, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 340, 20 SF 351, 20 SF 371, 20 SF 391, 13 SF 996, 13 SF 998, 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, from the fund or funds appropriated for use by the Cleveland Municipal Court that include this purpose, and from the fund or funds authorized in Ordinance No. 2144-03, passed January 5, 2004, and may also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of the initial purchase, acquisition, lease or procurement, which together with all later purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 112522)

The contribution of the Division of Water for the cost of Phase I work shall not exceed \$960,300.

Section 4. That Sections 1 and 6 of Ordinance No. 69-04, passed January 12, 2004, are repealed.

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

Passed May 10, 2004.
Effective May 11, 2004.

Ord. No. 863-04.

By Council Member Conwell.
An emergency ordinance amending Section 2 of Ordinance No. 715-04, passed April 26, 2004 as it pertains to the Home Expo Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 715-04, passed April 26, 2004 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 715-04, passed April 26, 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 May 10, 2004.
Effective May 13, 2004.

Ord. No. 864-04.

By Council Members Britt, Pierce Scott and Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 17, 2004 to June 18, 2004, inclusive, publicizing Parade the Circle Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the

Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 17, 2004 to June 18, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 10, 2004.
Effective May 13, 2004.

Ord. No. 865-04.

By Council Member Polensek.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 12, 2004 to August 9, 2004, inclusive, publicizing the East 185th Street Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Northeast Shores Development Corporation to install, maintain and remove four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 12, 2004 to August 9, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said

banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 10, 2004.
Effective May 13, 2004.

COUNCIL COMMITTEE MEETINGS

Thursday, May 13, 2004
8:30 a.m.

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

Monday, May 17, 2004
11:00 a.m.

Public Service Committee: Present in Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady. *Authorized Absence:* Johnson.

11:30 a.m.

Public Service Committee and City Planning Committee: Present in Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady. *Authorized Absence:* Johnson.

Present in Planning: Cimperman, Chair; Rybka, Vice Chair; O'Malley, Pierce Scott. *Authorized Absence:* Conwell, Lewis, Westbrook.

2:00 p.m.

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

Tuesday, May 18, 2004
9:30 a.m.

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

Wednesday, May 19, 2004
10:00 a.m.

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

1:30 p.m.

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

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