

The City Record

Official Publication of the Council of the City of Cleveland



October the Twelfth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	James R. Knight
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	Anthony Brancatelli
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Emily Lipovan Holan
16	Kevin J. Kelley
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	James R. Knight	16217 Glendale Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Emily Lipovan Holan	4579 South Hills Drive	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Antonette Thompson, Director

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, Hillary S. Taylor.

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.

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

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.

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

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

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Verne Whalen, Nancy Cronin, Elvin Vauss.

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair; Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, OCTOBER 12, 2005

No. 4792

CITY COUNCIL

MONDAY, OCTOBER 10, 2005

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; Brancatelli, Cimperman, Dolan, Knight, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; _____, Vice Chairman; Brady, Cimperman, Johnson, Kelley, Knight, 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, Cimperman, Coats, Conwell, Reed, Pierce Scott, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; Brady, Vice Chairman; Cintron, Kelley, Knight, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman, Conwell, Vice Chairman, Brancatelli, Lipovan Holan, Kelley, Lewis, Pierce Scott.

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 10, 2005

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

Council Members present: Brady, Brancatelli, Cimperman, Cintron, Coats, Conwell, Dolan, Lipovan Holan, Johnson, Kelley, Knight, Lewis, Polensek, Pierce Scott, Sweeney, Reed, Westbrook, White and Zone.

Also present were Chief of Staff Ronayne, Chief Operation Officer Brown and Directors Baker, Mok, Ricchiuto, Watson, Thompson, Rush, Routen, Huth, Taylor, and Margreat Jackson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Imam Clyde Rahman of Masjid Bilal, located at 7401 Euclid Avenue in Ward 6. Pledge of Allegiance.

MOTION

On the motion of Council Member Lewis, the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member Knight.

COMMUNICATIONS

File No. 1912-05.

Downtown Cleveland Improvement District — Assessment Objections — Grossman Enterprise, ROC-Syl Associates, Cleveland Technology Center, Inc, World Auto Parts (various parcels), BlueJay Realty, and B.H. Richman & Co., Ltd. (various parcels). Received.

File No. 1913-05.

From KnowledgeWorks Foundation — Every Student Deserves a Legacy, 2005 issue. Received.

File No. 1914-05.

From the Ohio Environmental Protection Agency — National Pollutant Discharge Elimination System (NPDES), Public Notice. Received.

File No. 1915-05.

From the Department of Law — copy of contract amendment between Cleveland Department of Public Health and Theresa D. Bowling. Received.

File No. 1916-05.

From The Cleveland Clinic Foundation — Cleveland Clinic Magazine, Fall/2005. Received.

File No. 1917-05.

From the Clerk of Council — amendment to Ordinance No. 1696-05 re: "Hurricane Katrina". Received.

File No. 1918-05.

From the Ohio Environmental Protection Agency — Public Notice, receipt of Clean Water Act Section 401 application. Received

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1919-05.

Re: Transfer of Ownership Application — 9028510 — Tran & Le Investment, LLC, d.b.a. Tran & Le, 5509 Detroit Avenue, first floor and basement. (Ward 17). Received.

File No. 1920-05.

Re: New Application — 39232320230 — Holland Oil Company, 13951 Triskett Road. (Ward 20). Received.

File No. 1921-05.

Re: Transfer of Ownership Application — 5068770 — Layaa, Inc.,

d.b.a. Star Value, 3691 West 105th Street. (Ward 18). Received.

File No. 1922-05.

Re: Transfer of Ownership Application — 0533622 — Bay Village Julien, Inc., d.b.a. E. 185th Shell, 1150 East 185th Street I-90. (Ward 11). Received.

File No. 1923-05.

Re: Transfer of Ownership Application — 7500355 — Rome Jack, Inc., 3367 East 65th Street, front. (Ward 12). Received.

File No. 1924-05.

Re: Transfer of Ownership Application — 73350880005 — Rhodes, Inc., d.b.a. Rockies, 9208 Detroit Avenue, Patio. (Ward 18). Received.

File No. 1925-05.

Re: Transfer of Ownership Application — 5380085 — M & I Deli & Market, Inc., d.b.a. East Coast Market, 2288 East 55th Street, first floor only. (Ward 5). Received.

File No. 1926-05.

Re: Transfer of Ownership Application — 0698935 — Big House LLC, d.b.a. Whitmans, 3800 Whitman Avenue. (Ward 13). Received.

File No. 1927-05.

Re: Transfer of Ownership and Location Application — 0697719 — Bier Markt, Inc., d.b.a. McNulty's Bier Markt, 1948 West 25th Street. (Ward 13). Received.

File No. 1928-05.

Re: Stock Transfer Application — 40995920015 — Hyatt Corp, Hyatt Regency Cleveland Floors 3-9 east side Hotel & 2nd Floor, Arcade & Restaurant & east side Hotel, 420 Superior Avenue, first floor arcade only. (Ward 13). Received.

PLATS

File No. 1929-05.

Subdivision Plat for Gateway Townhouses. (Ward 5).
Approved by Committee of Public Service and City Planning.

**STATEMENT OF WORK
ACCEPTED**

File No. 1930-05.

From the Department of Public Utilities — Contract No. 63982 AB, Terrace Construction Company, Inc., completed and accepted May 11, 2005. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1931-05—David G. Hill.

Res. No. 1932-05 — Charles E. Adams.

Res. No. 1933-05—Robert W. Colwell, Jr.

Res. No. 1934-05 — Mittie Odell Crawford.

Res. No. 1935-05—Lillie Dalton.

Res. No. 1936-05—William Steward, Sr.

Res. No. 1937-05—Emmet Edward Danner.

CONGRATULATION RESOLUTIONS

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

Res. No. 1938-05 — Charles Brooks Perry.

Res. No. 1939-05—Rita Haynes.

Res. No. 1940-05—Venerine Branham.

Res. No. 1941-05 — Bruce D. Murphy.

Res. No. 1942-05 — Dr. C. St. Clair Ronald Williams II.

Res. No. 1943-05 — Harrison Dillard.

Res. No. 1944-05 — Kathleen J. Lamparyk Scholarship Foundation.

Res. No. 1945-05 — Michael Bilinovich.

Res. No. 1946-05—Ken Zalar.

Res. No. 1947-05—James Thomas Sanford.

Res. No. 1948-05—William T. Boyd Lodge No. 79.

Res. No. 1949-05 — David Dombrowiak

Res. No. 1950-05 — Fairview Lutheran Foundation.

Res. No. 1951-05—Meg Duffy.

Res. No. 1952-05—Shannon Dolan.

Res. No. 1953-05—Peter Schindler.

RESOLUTION OF RECOGNITION

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

Res. No. 1954-05—Imam Qasim F. Khan.

APPRECIATION RESOLUTION

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

Res. No. 1955-05 — Anne Bloomberg.

WELCOME RESOLUTION

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

Res. No. 1956-05—Rev. Gardner C. Taylor.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1862-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Alltel Communications Services to provide telecommunications connections between the police mobile data computers and the CRIS devices for LEADS, for a period of one year with two one-year options 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 enter into one or more contracts with Alltel

Communications Services to provide telecommunications connections between the police mobile data computers and the CRIS devices for LEADS, in the total sum of \$159,600, for the Department of Finance, for a period of one year, with two consecutive one-year options to renew, exercisable by the Director of Finance. The contracts or contracts shall be paid from Fund No. 01-600201-631000, Request No. 141987.

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

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

Ord. No. 1863-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Imperial Parking Company for the purchase of not to exceed nine parking spaces located in the garage adjacent to the 205 St. Clair building, for the Division of Information Technology and Services, Department of Finance, for a period of one year, with two one-year options 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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Imperial Parking Company. Therefore the Director of Finance is authorized to make one or more written contracts with Imperial Parking Company for not to exceed nine parking spaces located in the garage adjacent to the 205 St. Clair building, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Information Technology and Services, Department of Finance, for a period of one year, with two consecutive one-year options to renew, exercisable by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 70 SF 101 and 01-151101-634500, Request No. 141990.

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. 1864-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with MCI Telecommunications, or one or more contracts with whoever is the State of Ohio's vendor for this service, to provide, install, maintain, and support a T1 link between the City and the State of Ohio to provide video conferencing capabilities for liquor hearings, 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 enter into one or more contracts with MCI Telecommunications, or one or more contracts with whoever is the State of Ohio's vendor for this service, to provide, install, maintain, and support a T1 link between the City and the State of Ohio to provide video conferencing capabilities for liquor hearings, for a period not to exceed three years. The term of each contract may be a shorter period.

Section 2. The cost of the contract or contracts authorized by Section 1 of this ordinance for the first year shall not exceed \$40,860.00, payable from Fund No. 70 SF 101, and the remainder of the term is subject to annual appropriation, Request No. 141986.

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. 1865-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with E-Command for professional services necessary to continue to host and support the City's web site, for a period of one year, or until the transition to the City's new web hosting service is ready to be implemented, whichever is sooner.

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

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

Section 1. That the Director of Finance is authorized to enter into

one or more contracts with E-Command for professional services necessary to continue to host and support the City's web site, for a period of one year, or until the transition to the City's new web hosting service is ready to be implemented, whichever is sooner, in the total sum of \$15,960.00, for the Department of Finance. The contracts or contracts shall be paid from Fund No. 01-151101-632000, Request No. 141988.

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

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

Ord. No. 1866-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with ORACLE for the acquisition of one or more licenses for various citywide mission-critical applications, including installation, training, support and maintenance, or in the alternative, authorizing the director to employ one or more professional consultants, computer software developers, or vendors to acquire ORACLE licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with ORACLE for professional services necessary for the acquisition of one or more licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year, for the Division of Information Technology and Services, Department of Finance.

Section 2. That, as an alternative to Section 1 of this ordinance, the Director of Finance is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors 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 acquire ORACLE licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year.

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 approved and certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance through either Section 1 or Section 2 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 the cost of contract or contracts authorized by either Section 1 or Section 2 of this ordinance shall be paid from Fund No. 11 SF 006, Request No. 141984.

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 Finance, Law; Committee on Finance.

Ord. No. 1867-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of cellular wireless and paging equipment, including maintenance, training, and monthly and maintenance services, including installation, if necessary, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two one-year options 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period, with two consecutive one-year options to renew, exercisable by the Director of Finance of the necessary items of cellular wireless and paging equipment, including maintenance, training, and monthly and maintenance services, 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 Information Technology and Services, Department of Finance. 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 141985)

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. 1868-05.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop a five-year business strategy plan, for the Division of Cleveland Public Power.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop a five-year business strategy plan for the Division of Cleveland Public Power, which will include a financial forecast report and a capital project report.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. 153875.

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. 1869-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into a donation agreement with the Western Reserve Fire Museum for the donation of two vintage fire trucks from the City of Cleveland to the Western Reserve Fire Museum.

Whereas, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the sale of personal property owned by the City of Cleveland when no longer needed or not suitable for the use of the City; and

Whereas, the City owns two vintage fire trucks which are no longer needed for public use and desires to donate them, without title, to the Western Reserve Fire Museum; 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 enter into a donation agreement with the Western Reserve Fire Museum for the donation of two City of Cleveland vintage fire trucks, Vehicle Identification Numbers 6345021178 and 63461437.

Section 2. That the donation agreement shall be prepared by the Director of Law.

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

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

Ord. No. 1870-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with T & F Systems, Inc. for the purchase of labor and materials necessary to repair the maintenance garage roof and the terminal roof at Cleveland Burke Lakefront Airport.

Whereas, the windstorm in August, 2005 damaged the roofs of the

maintenance garage and terminal at Burke Lakefront Airport; and

Whereas, after canvassing contractors capable of repairing the roof, it is determined that T & F Systems, Inc. is able to perform the work in the most timely manner; and

Whereas, the Director of Port Control has recommended that, based on considerations of cost, quality, safety, security, and delivery date, the City should contract with T & F Systems, Inc. to provide the necessary labor and materials to repair the maintenance garage roof and the terminal roof at Cleveland Burke Lakefront Airport which were damaged during a wind storm; 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 make one or more written contracts with T & F Systems, Inc., for the necessary labor and materials to repair the maintenance garage roof and the terminal roof at Cleveland Burke Lakefront Airport which were damaged during a wind storm, for a gross price estimated at \$127,766.00, for the Department of Public Service.

Section 2. That the cost of the contract or contracts shall be paid from Fund No. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 150575.

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

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

Ord. No. 1871-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of airfield signage, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to 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 airfield signage, including labor and materials

for repair and 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control 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 150576)

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 Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Ord. No. 1872-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to 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 asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control 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 150577)

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 Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Ord. No. 1873-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to 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 automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials for repair and 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control 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 150578)

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 Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Ord. No. 1874-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of fencing and gates, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to 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 fencing and gates, including labor and materials for repair and 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control 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 150571)

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 Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Ord. No. 1875-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of required employee uniforms, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of required employee uniforms, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control 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 150574)

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 Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Ord. No. 1876-05.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of cold mix material in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, 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 cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 159969)

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. 1877-05.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of SSI tack coat for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of SSI tack coat in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, 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 cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139503)

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. 1878-05.
By Council Member Coats.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 141st Street to Euclid-St. Clair Development Corporation or designee.

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

Whereas, real property acquired under the City's Land Reutilization

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 115-02-077, as more fully described below, to Euclid-St. Clair Development Corporation or designee.

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

P. P. No. 115-02-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in Lucian Gunn's Heirs Subdivision of part of Original Euclid Township Lot No. 1 as shown by the recorded plat in Volume 18 of Maps, Page 29 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 141st Street, (formerly Brooks Avenue) and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1879-05.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Charles Scott.

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 No(s), 119-05-089, as more fully described below, to Charles Scott.

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

P. P. No. 119-05-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the East part of the Northerly 21 feet of Sublot No. 14, and the East part of the Southerly 19 feet of Sublot No. 15 in Crumb, Baslington, Oviatt's Subdivision of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records. Said part of Sublot Nos. 14 and 15 together forming a parcel of land having a frontage of 40 feet on the Westerly side of East 87th Street (formerly Brookfield Avenue), extending back between parallel lines 147-8/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive

covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 1880-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 90th Street to Byron L. Perry, Sr.

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 No(s). 107-14-151, as more fully described below, to Byron L. Perry, Sr.

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

P. P. No. 107-14-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in the Wade Park and Superior Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 21 of Maps, Page 5 of Cuyahoga County Records, and being 35 feet front on the Westerly side of East 90th Street (formerly Lindus Street) and extending back of equal width 75 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1881-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 91st Street to Jessie Thomas.

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 No(s). 107-15-006, as more fully described in Section 2 below, to Jessie Thomas.

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. 107-15-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 176 in W.J. Crawford and James Parmelee's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 16 of Maps, Page 5 of Cuyahoga County Records, and being 39 feet front on the Westerly

side of East 91st Street (formerly Moris Place), and extending back between parallel lines 80 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1882-05.

By Council Member Lewis.

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

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 No(s). 104-21-002, as more fully described below, to Robert Petty.

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

P. P. No. 104-21-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 100 feet of Sublot No. 37 in the Luther Moses Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records and being 40 feet front on the Southerly side of Lexington Avenue, N.E. (formerly Moses Avenue) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1883-05.

By Council Member Lewis.

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

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 No(s). 104-18-065, as more fully described below, to Ceelia Brown Williams.

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

P. P. No. 104-18-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 20 feet of Sublot No. 16 and all of Sublot No. 14 in William C. Sweeney and others's Re-Allotment of R.L. Williard's Allotment and also a Re-Allotment of parts of Luther Moses and M.N.C. Water's Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Allotment in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land 60 feet front on the Southerly side of Whittier Avenue, N.E., and extending back 142.72 feet deep on the Westerly line and about 142.71 feet deep on the Easterly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

Ord. No. 1884-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Utica Avenue to T.W. Allen.

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 No(s). 104-20-069, as more fully described below, to T.W. Allen.

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

P. P. No. 104-20-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 340 and bounded and described as follows:

Beginning on the Southerly line of Utica Avenue, N.W., at a point distant Easterly 400 feet, measured along said Southerly line from the Easterly line of East 55th Street; thence Easterly along the Southerly line of Utica Avenue, N.E., 50 feet to a point; thence Southerly and parallel to the Easterly line of East 55th Street, 60 feet to a point; thence Westerly and parallel to the Southerly line of Utica Avenue, N.E. to a point distant 400 feet from the Easterly line of East 55th Street; thence North 60 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

Section 4. That the consideration for the subject parcel shall be estab-

lished by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

Ord. No. 1886-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Health for the Regional Metropolitan Medical Response Program; and authorizing the purchase by one or more requirement contracts of equipment, supplies, and services; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

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

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

Section 2. That the summary for the grant, File No. 1886-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

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

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

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

Section 6. That 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 7. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 1887-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of window

guards for the Division of Police supply unit located at 2200 West 3rd Street, including labor and materials for installation, for the Division of Police, Department of Public Safety.

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

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

Section 1. That 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 a one year period of the necessary items of window guards for the Division of Police supply unit located at 2200 West 3rd Street, including labor and materials for installation, 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 Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 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 145459)

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. 1888-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Famicos Foundation, or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the rehabilitation of the 1850 Superior Avenue Apartments.

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

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

Section 1. That the Director of Community Development is authorized to enter into a Community Development Block Grant Float Loan Agreement with Famicos

Foundation, or its designee, to provide financial assistance to partially finance the rehabilitation of the 1850 Superior Avenue Apartments to provide permanent supportive housing.

Section 2. That the terms of the loan shall be determined by the Director of Community Development in accordance with Federal regulations, State and local laws, and the director is authorized to amend the terms, from time to time, as the director deems necessary to remain consistent with the laws and regulations.

Section 3. That the aggregate cost of the agreement shall not exceed Two Million Dollars (\$2,000,000) and shall be paid from Fund No. 14 SF 810, Request No. 149517.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of the loan.

Section 5. That the Director of Community Development is authorized to accept collateral as the director deems adequate in order to secure repayment of the loan. Any and all security instrument agreements or other agreements shall be prepared and approved by the Director of Law.

Section 6. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

Section 7. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of the loan application, closing, and servicing of the loan.

Section 8. That the Director of Law is authorized to prepare the contract and any other documents as may be appropriate to complete the transactions.

Section 9. 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.

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

Ord. No. 1889-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit agencies to implement homeless assistance activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies to implement homeless assistance activities, including providing shelter and other essential services.

Section 2. That the aggregate cost of the contracts shall not exceed \$1,692,646 and shall be paid from Fund Nos. 14 SF 031 and 13 SF 237, Request No. 149518.

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.

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

Ord. No. 1890-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Valleyview Phase I, L.P., to provide development assistance to partially finance the Valley View Hope VI Development Project Phase I located at the eastern edge of the Tremont neighborhood and I-490, and all other associated costs necessary to redevelop the property.

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

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

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

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

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

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

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with Valleyview Phase I, L.P., to provide development assistance to partially finance the Valley View Hope VI

Development Project Phase I located at the eastern edge of the Tremont neighborhood and I-490, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1890-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), and shall be paid from Fund No. 10 SF 545, which funds are appropriated for this purpose, Request No. 149519.

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

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

Section 6. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 10 SF 546, Loan Fees Fund.

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

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

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

Ord. No. 1891-05.

By Council Members Knight, Pierce Scott, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Firsttechnology, Inc. to provide economic development assistance to partially finance the construction of a new facility located at 4450 Johnston Parkway and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Firsttechnology, Inc. to provide eco-

conomic development assistance to partially finance the construction of a new facility and all other associated costs necessary to redevelop the property located at 4450 Johnston Parkway.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1891-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103678.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

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

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or plead guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1892-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Flats East Development, LLC, to

provide development assistance to partially finance the development of entertainment and retail space located in downtown Cleveland at the mouth of the Cuyahoga River on Lake Erie, and certain other costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its October 13th, 2005 meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That, provided Flats East Development, LLC submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Flats East Development, LLC to provide development assistance to partially finance the development of entertainment and retail space located in downtown Cleveland at the mouth of the Cuyahoga River on Lake Erie, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1892-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Six Million Dollars (\$6,000,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103677.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maxi-

mum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or plead guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1893-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with 410 Euclid, LLC, to provide development assistance to partially finance the demolition, construction and renovation, site improvement, architectural and engineering fees, furniture and fixtures associated with the renovation of real property improvements at 402-448 Euclid Avenue, and certain other costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its October 13th, 2005 meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the

Ohio Constitution and statutory requirements; and

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

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

Section 1. That, provided 410 Euclid, LLC submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with 410 Euclid, LLC to provide development assistance to partially finance the demolition, construction and renovation, site improvement, architectural and engineering fees, furniture and fixtures associated with the renovation of real property improvements at 402-448 Euclid Avenue, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1893-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Three Million Dollars (\$3,000,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103680.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

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

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or plead guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

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

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

Ord. No. 1894-05.
By Council Members Pierce Scott and Jackson (by departmental request).

An emergency ordinance to amend Section 16 of Ordinance No. 1982-02, passed June 10, 2003, relating to projects to be funded by the Core City Program and Economic and Community Development in the City.

Whereas, under Ordinance No. 1982-02, passed June 10, 2003, this Council authorized the issuance of \$27,400,000 principal amount of Taxable Economic and Community Development Revenue Bonds (Core City Fund) to provide funds for projects to create and preserve jobs and employment opportunities and to improve housing for individuals and families; and

Whereas, Section 16 of Ordinance No. 1982-02, established priorities for projects to be funded from the net proceeds of the Bonds, as follows: 9% for projects in furtherance of technology-based industries, 10% for non-housing projects located in the Central Business District of the City, 24% for non-housing projects not located in the Central Business District estimated to cost less than \$1,000,000, 24% for non-housing projects not located in the Central Business District estimated to cost \$1,000,000 or more, and 33% for housing projects; and

Whereas, this Council has determined to eliminate those restrictions on the expenditure of the net proceeds of the Bonds so that the proceeds may be used for any economic development project consistent with Chapter 165 of the Revised Code or any residential housing project consistent with Section 16 of Article VIII of the Ohio Constitution and other applicable laws of the State; and

Whereas, it is necessary to eliminate the restrictions in Section 16 of Ordinance No. 1982-02 as soon as possible to address financing needs of pending economic and community development projects and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. That Section 16 of Ordinance No. 1982-02, passed June 10, 2003, is amended to read as follows:

Section 16. Reserved.

Section 2. That existing Section 16 of Ordinance No. 1982-02, 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1895-05.
By Council Members Cimperman, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 350.22 and 350.23, relating to wall art murals and electronic and projected image signs; and to renumber existing Section 350.22 of the codified ordinances to new Section 350.24, as enacted by Ordinance No. 3076-A-89, passed December 10, 1990.

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 350.22 and 350.23 to read as follows:

Section 350.22 Wall Art Murals

(a) *Intent.* The regulations of this section are established to facilitate the beautification of unsightly building walls through the display of wall art murals, where such displays would not otherwise be permitted because of prohibitions against off-premise advertising and restrictions on the size of signs

(b) *Definition.* A "wall art mural" is a visual image that conveys a commercial off-premise advertising message principally through pictorial rather than narrative means and that meets a particularly high standard of graphic and artistic quality. Such graphic image is either painted onto a building wall or is applied to the wall through use of a flexible sheet of vinyl or similar material, without use of a visible structural border or a visible backing panel. The commercial message may take the form of either on-premise or off-premise advertising. A "wall art mural" is distinct from other signs that may be termed "wall murals" with respect to the requirement that a "wall art mural" must meet a particularly high standard of graphic and artistic quality, in accordance with the approval process and approval criteria of this section.

(c) *Permitted Locations.* Wall art murals shall be permitted only within the Central Business District and the Flats Oxbow Business Revitalization District, as shown on the Zoning Map of the City of Cleveland, but shall not be permitted in a One-Family, Two-Family, Townhouse or Multi-Family zoning district. Furthermore, such displays shall be located in accordance with the criteria of division (e) of this section. A wall art mural may be permitted in locations where a sign would otherwise be prohibited by virtue of its size or the fact that it displayed off-premise advertising.

(d) *Approval Process.* No wall art mural shall be displayed or replaced without a Building Permit issued pursuant to approval by the City Planning Commission or Landmarks Commission, as applicable. In making its determination, the Commission may seek the advice of individuals or organizations with expertise in the fields of public art or graphic design. Each proposed wall art mural, including a wall art mural proposed to replace an existing wall art mural, shall be judged

on its own merits with respect to graphic quality, in accordance with the approval criteria of this section.

(e) *Approval Criteria.* The City Planning Commission or Landmarks Commission, as applicable, shall approve an application for the display of a wall art mural only if the Commission finds that the proposed mural meets all of the following criteria.

(1) The wall on which the mural is to be displayed is unsightly due to its lack of ornamentation, poor quality or inappropriate construction materials, and/or a poor state of repair. Furthermore, display of the mural would not obscure or compromise the design integrity of significant architectural features.

(2) Placement of a mural on the subject wall would not detract from the architectural or scenic character of surrounding properties.

(3) The graphic quality of the mural is such that its display would significantly enhance the appearance of the subject property and would serve to beautify and enliven the urban district in which it is located.

(4) The size and placement of the wall mural sign is appropriate to achieve the objective of beautifying the unsightly wall, without detracting from the architectural or scenic character of surrounding properties.

(f) *Maximum Number and Duration of Display.* No more than five

(5) wall art murals approved under the provisions of this section shall be displayed simultaneously. This restriction does not apply to artwork that is exempt from the sign regulations of this chapter. For purposes of enforcing this requirement, the City Planning Commission shall maintain an inventory of all such wall art murals. In determining whether the maximum number of such signs has been reached, the City Planning Commission shall consider signs that are currently displayed and any sign for which an approved Building Permit is pending but which is not yet displayed. The approval given to a wall art mural shall be in effect for two (2) years from the date of installation. At the end of two years, the wall art mural shall either be removed or replaced, in accordance with the provisions of this section, unless the applicable Commission approves an extension in this time period.

(g) *Submission Requirements.* An applicant requesting permission to display a wall mural shall complete a Building Permit application and shall submit the following materials:

(1) a color drawing of the proposed mural, drawn to scale, marked with dimensions, and clearly depicting all graphic elements, lettering and logos (submitted as one original and four color copies);

(2) a color photograph of the subject building wall with the proposed mural super-imposed on the wall (submitted as four color photographs);

(3) a color photograph(s) of the subject wall depicting its unsightly current condition (submitted as one set of photographs);

(4) calculations indicating the surface area occupied by any lettering or logos conveying a commercial message and comparing this to the total surface area of the wall art mural (submitted as four copies).

(g) *Maintenance and Removal.* All wall art murals shall be maintained

in good condition. A wall art mural which is faded, peeling, torn or otherwise worn or damaged shall be restored, replaced, or removed. Any mural replacement or wall re-painting shall be subject to design review and approval by the City Planning Commission or Landmarks Commission, as applicable. In the case of a wall art mural which is not maintained in good condition, the Secretary of the City Planning Commission or Landmarks Commission shall notify the building owner, in writing, of the need for corrective action. If no corrective action is taken within thirty (30) days, or a longer period of time as determined by the Commission, the Commissioner of Building and Housing, upon notification by the City Planning Director, shall issue a notice requiring removal of the mural.

(h) *Exceptions to Limit on Number of Signs.* If an application has been submitted for a wall art mural that, if approved, would cause the total number of wall art murals to reach the maximum permitted number of wall art murals, the City may accept additional applications while the first permit application is pending. The Planning Commission or Landmarks Commission, as applicable, and in collaboration if necessary, shall approve the conforming application that best meets the intent and approval criteria of this section. Once the maximum number of wall art murals has been reached, the Planning Commission and Landmarks Commission may approve additional wall art murals only if the Commission determines that disapproval of a particular application would deprive the city of an asset that would be a significant benefit to the attractiveness and economic vitality of the surrounding district.

Section 350.23 Electronic and Projected Image Signs Displaying Off-Premises Advertising

(a) *Intent.* The regulations of this section are established to stimulate economic activity in Cleveland's downtown and Flats districts by permitting, in appropriate locations, well-designed electronic and projected image signs displaying off-premise advertising.

(b) *Definitions.*

(1) *Projected Image Sign.* A "projected image sign" is a sign whose image is displayed through the projection of light onto a building wall or other surface, where no sign structure or fixed sign image is located on that surface.

(2) *Electronic Sign.* An "electronic sign" is a sign that displays multiple electronically generated images on a sign panel, utilizing animation or changeable copy.

(c) *Applicability.* The regulations shall apply only to electronic signs and projected image signs that display off-premise advertising, in addition to other messages. Electronic and projected image signs that do not display off-premise advertising shall be regulated as are other signs under the provisions of this chapter.

(d) *Permitted Locations.* Electronic and projected image signs subject to the regulations of this section shall be permitted only within the Central Business District and the Flats Oxbow Business Revitalization District, as shown on the Zoning Map of the City of Cleveland, but shall not be permitted in a One-Family, Two-Family, Townhouse or

Multi-Family zoning district. Furthermore, such displays shall be located in accordance with the criteria of division (f) of this section. Electronic and projected image signs subject to the regulations of this section may be permitted in locations where a sign would otherwise be prohibited by virtue of its size or the fact that it displayed off-premise advertising.

(e) *Approval Process.* No electronic or projected image sign subject to the regulations of this section shall be displayed without a Building Permit issued pursuant to approval by the City Planning Commission or Landmarks Commission, as applicable, in accordance with the approval criteria of this section.

(f) *Approval Criteria.* The City Planning Commission or Landmarks Commission, as applicable, shall approve an application for the display of an electronic sign or projected image sign subject to the regulations of this section only if the Commission finds that the proposed sign meets all of the following criteria.

(1) The sign will be located such that its presence will help to enliven a retail or entertainment district and will not adversely impact nearby residential uses;

(2) In the case of an electronic sign to be placed on a building wall or rooftop, the sign will be designed and placed in a manner that complements the architecture of the subject building and is compatible with its environs. In the case of a free-standing electronic sign, the sign will be designed and placed in a manner that complements its environs and does not block significant views or vistas;

(3) Use of animation and graphics, as opposed to static images and text, shall be maximized in order to best achieve the goals of enlivening the surrounding district and stimulating economic activity;

(4) In the case of a projected image sign, the owner of the property on which the projector will be placed, if different from the owner of the projection surface, has consented to the placement of the projector; and

(5) At least half of the display time on the sign, during all times of day and days of the week, shall be devoted to messages that promote public events in Cleveland, cultural and community-based institutions in Cleveland, and messages of a public service nature.

(g) *Maximum Number.* For signs subject to the regulations of this section, electronic signs shall be displayed in no more than five (5) locations simultaneously and projected image signs shall be displayed in no more than five (5) locations simultaneously, within the Central Business and Flats Oxbow Districts. For purposes of this regulation, a "location" shall be considered a single building, regardless of whether multiple electronic or projected image signs are proposed or located on that building. The City Planning Commission shall maintain an inventory of all such electronic and projected image signs for purposes of enforcing this requirement. In determining whether the maximum number of such signs has been reached, the City Planning Commission shall consider signs that are currently displayed and any sign for which an approved Building Permit is pending but which is not yet displayed.

(h) *Submission Requirements.* An applicant requesting permission to display an electronic sign or projected image sign shall complete a Building Permit application and shall submit the following materials:

(1) a color drawing of the proposed sign or a typical representation of its image, drawn to scale, marked with dimensions, and, in the case of an electronic sign, showing materials, method of attachment, and any fixed copy (submitted as four color copies);

(2) a color photograph of the subject building or property with the proposed sign super-imposed on the building or property (submitted as four color photographs);

(3) color photographs showing the proposed sign in the context of properties within approximately 250 feet of the sign (submitted as one set of photographs);

(4) in the case of a projected image sign, a drawing showing the location and mounting of the projector and any exterior control equipment, as well as a statement certifying that the owner of the property on which the projector will be placed, if different from the owner of the projection surface, has consented to the placement of the projector; and

(5) a statement certifying that displays on the sign will meet the requirements of division (f)(4) of this section.

Section 2. That existing Section 350.22 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 3076-A-89, passed December 10, 1990, is renumbered to new "**Section 350.24**".

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, Legislation, Finance.

Ord. No. 1899-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 81st Street to Kenneth Stanback and Delphia Stanback.

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 Ordina-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent No(s). 106-20-082, as more fully described below, to Kenneth Stanback and Delphia Stanback.

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

P. P. No. 106-20-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 32.50 feet of Sublot No. 8 in the Davis Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392 of Cuyahoga County Records, and being 32.50 feet front on the Easterly side of East 81st Street (formerly Park Avenue), and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1900-05.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 148th Street to Pamela J. Hagler.

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, adminis-

tered 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 No(s). 115-13-045, as more fully described below, to Pamela J. Hagler.

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

P. P. No. 115-13-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in Ambler Realty Company's East 148th Street Allotment of part of Original Euclid Township Nos. 1 and 2, Tract No. 10 as shown by the recorded plat in Volume 48 of Maps, Page 11 of Cuyahoga County Records, and being 40 feet front on the Northeastly side of East 148th Street, and extending back of equal width 80 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 all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 1896-05.

By Council Member Kelley.

An ordinance to change the Use Districts of parcel bounded by Melber Avenue, Ridge Road and Ridgemore Ave. from Semi-Industry and Two-Family to Local Retail Business District as shown on the attached map. (Map Change No. 2165, Sheet 2).

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

Section 1. That the Use Districts of lands bounded and described as follows:

Beginning in the centerline of Ridge Road and its intersection with the centerline of Melber Avenue;

Thence Easterly along said centerline of Melber Avenue to its intersection with the Northerly prolongation of the Easterly line of Sublot No. 27 in the West 73rd Street Bridge Subdivision as shown on the recorded plat in Volume 87 of Maps, Page 34 of Cuyahoga County Records;

Thence Southerly along said prolongation and Easterly line to its intersection with the Northerly line of Sublot No. 16 in said West 73rd Street Bridge Subdivision;

Thence Westerly along said Northerly line of Sublot No. 16 to its intersection with the Easterly line of Sublot No. 15 in said West 73rd Street Bridge Subdivision;

Thence Southerly along said Easterly line of Sublot No. 15 to its intersection with the centerline of Ridgemore Avenue;

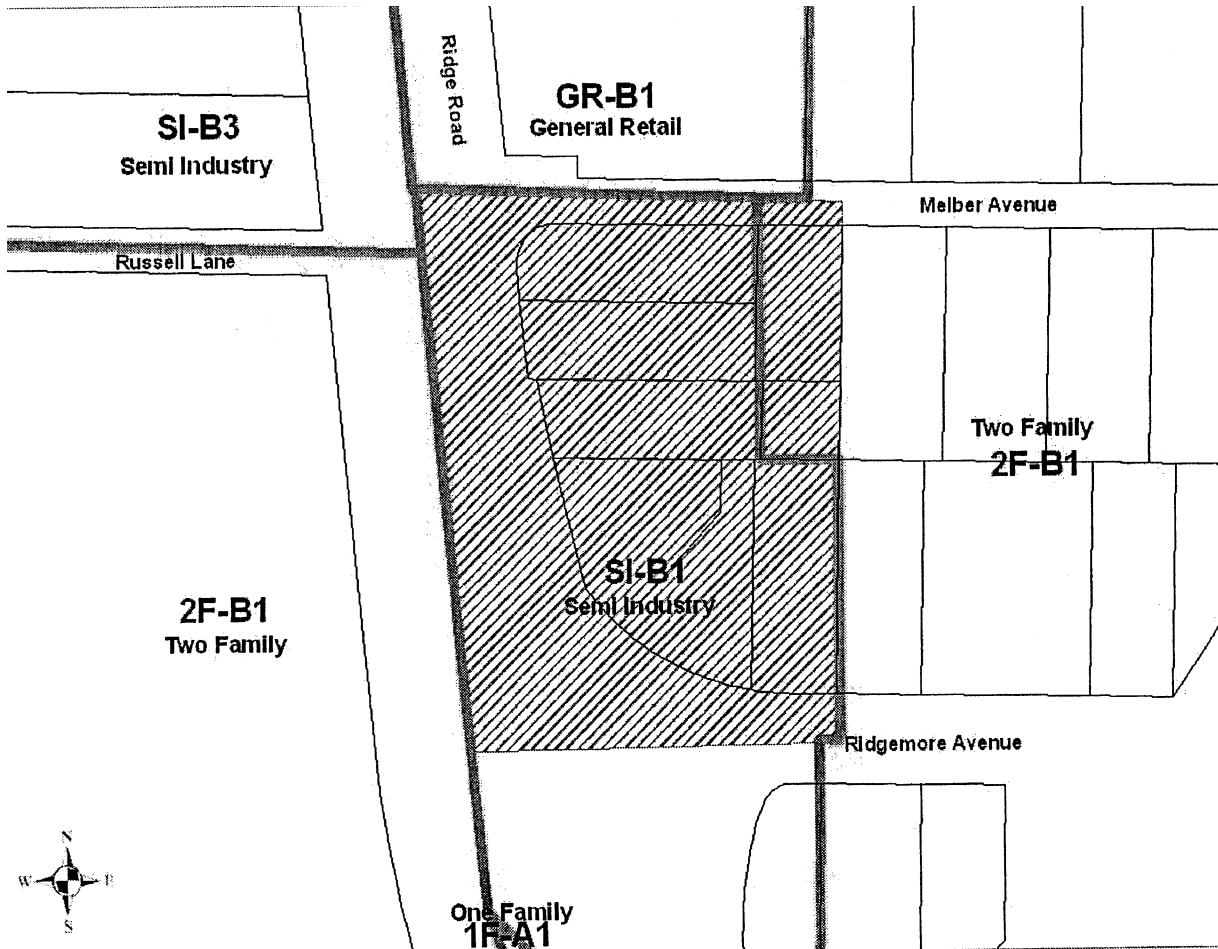
Thence Westerly along said centerline to its intersection with the centerline of Ridge Road;

Thence Northerly along said centerline of Ridge Road to the place of beginning.

and as shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2165, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

Ord. No. 1897-05.

By Council Member Zone.

An ordinance to change the zoning of parcels bounded by Merrill Avenue and West 61st Street as shown on the attached map from Two-Family Residential, a 'B' Area District and a '1' Height District to a Semi-Industry Use District, a 'C' Area District and a '2' Height District. (Map Change No. 2164, Sheet 2).

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

Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of Merrill Avenue and its intersection with the Southerly prolongation of the Easterly line of Sublot Number 11 in the Jacob F. Walz Subdivision as shown on the recorded plat in Volume 3 of Maps, Page 23 of Cuyahoga County Records said parcel also being known as Permanent Parcel Number 016-08-055;

Thence Northerly along said Southerly prolongation and Easterly line of said Sublot No. 11 to the northerly line thereof;

Thence Westerly along said Northerly line of Sublot No. 11 and its Westerly prolongation to its intersection with the centerline of West 61st Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot Number 8 in the John H. Sargent Subdivision as shown on the recorded plat in Volume 4 of Maps, Page 36 of Cuyahoga County Records said parcel also being known as Permanent Parcel Number 016-08-060;

Thence Easterly along said Westerly prolongation and Southerly line to its intersection with the Westerly line of Sublot Number 8 in said Jacob F. Walz Subdivision;

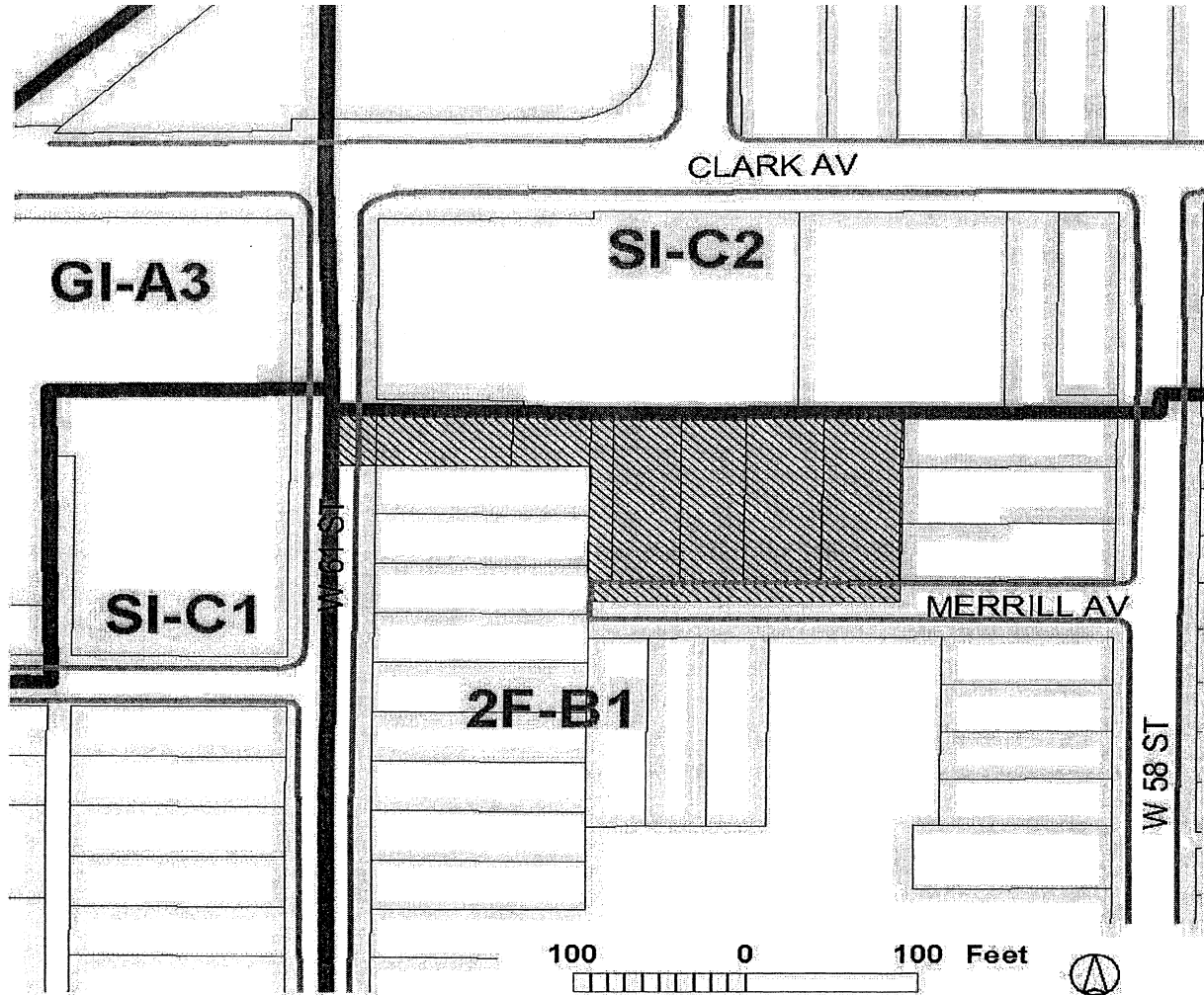
Thence Southerly along said Westerly line to its intersection with the centerline of Merrill Avenue;

Thence Easterly along said centerline to the place of beginning.

and as shaded on the attached map is changed to a Semi-Industry District, a 'C' Area District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2164, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

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

Ord. No. 1885-05.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 81st Street and Colgate Avenue to Detroit Shoreway Community Development Organization or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent No(s). 006-03-062, 006-07-043 and 006-07-072, as more fully described below, to Detroit Shoreway Community Development Organization or designee.

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

P. P. No. 006-03-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 35 in J.H. Hardy's Allotment of part of Original Brooklyn Township Lot No. 28 as shown by the recorded plat of said Allotment in Volume 4 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 35 has a frontage of 35 feet on the Westerly side of West 81st Street (formerly Berlin Avenue) and extends back between parallel lines 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 006-07-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 527 in James H. Hoyt's Subdivision of part of Original Brooklyn Township Lot Nos. 28 and 33, as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records and being 35 feet front on the Northerly side of Colgate Avenue and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 006-07-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 508 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33, as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Colgate Avenue, N.W., and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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. 1901-05.

By Council Member Britt.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 663-05 passed April 11, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with Fairfax Renaissance Development Corporation for East 83rd Street Affordable Apartments Project through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 663-05 passed April 11, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of **Community Development** to enter into an agreement with Fairfax Renaissance Development Corporation for East 83rd Street Affordable Apartments Project through the use of Ward 6 Neighborhood Equity Funds.

Section 1. That the Director of **Community Development** is authorized to enter into an agreement with Fairfax Renaissance Development Corporation for East 83rd Street Affordable Apartments Project for the public purpose of rehabilitating a vacant apartment building to provide affordable rental housing to low and moderate income residents that reside in the City of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 663-05 passed April 11, 2005 are hereby repealed.

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

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

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

Ord. No. 1902-05.

By Council Members Conwell, White, Pierce Scott and Sweeney.

An emergency ordinance amending Sections 1 and 2 of Ordinance No. 1210-04 passed June 14, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with African American Music Association, Inc. for You Won't Foul Out With an Education Program through the use of Wards 2, 8, 9 and 20 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 Sections 1 and 2 of Ordinance No. 1210-04 passed June 14, 2004 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement **effective January 1, 2004 to April 30, 2004** with the African American Music Association, Inc. for their You Won't Foul Out With an Education Program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 2, 8, 9 and 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 1210-04 passed June 14, 2004 are hereby repealed.

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

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

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

Ord. No. 1903-05.

By Council Members Lipovan Holan, Cimperman, Cintron and Westbrook.

An emergency ordinance amending Section 1 of Ordinance No. 2419-01 passed December 10, 2001, as amended by Ordinance No. 800-02, passed May 6, 2002 as it pertains to authorizing the Director of Economic Development to enter into an agreement with Merrick House for Clark Fulton Consolidation Project through the use of Ward 15, 13, 14, and 18 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 2419-01 passed December 10, 2001, as amended by Ordinance No. 800-02, passed May 6, 2002 are hereby amended to read as follows:

Section 1. That the Director of Economic Development is authorized to enter into an agreement **effective July 22, 2002 to November 30, 2005** with Merrick House for Clark Fulton Consolidation Project for the public purpose of preserving and creating employment opportunities for Cleveland residents, through the use of Wards 13, 14, 15 and 18 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 2419-01 passed December 10, 2001, as amended by Ordinance No. 800-02, passed May 6, 2002 are hereby repealed.

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

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

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

Ord. No. 1904-05.

By Council Members Pierce Scott, White, Britt, Lewis and Zone.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 1176-05 passed June 6, 2005, as amended by Ordinance No. 1372-05 passed July 13, 2005, as amended by Ordinance No. 1573-05 passed August 3, 2005 and as amended by Ordinance No. 1842-05 passed September 26, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with Cleveland Opera, Inc. for the Cleveland Opera on Tour Program through the use of Wards 8, 2, 6, 7 and 17 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1176-05 passed June 6, 2005, as amended by Ordinance No. 1372-05 passed July 13, 2005, as amended by Ordinance No. 1573-05 passed August 3, 2005 and as amended by Ordinance No. 1842-05 passed September 26, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Opera, Inc. for the **Cleveland Opera on Tour Program** through the use of Wards 8, 2, 6, 7 and 17 Neighborhood Equity Funds.

Section 1. That the Director of is authorized to enter into an agreement with Cleveland Opera, Inc. for Cleveland Opera on Tour Program.

Section 2. That the Title and Section 1 of Ordinance No. 1176-05 passed June 6, 2005, as amended by Ordinance No. 1372-05 passed July 13, 2005, as amended by Ordinance No. 1573-05 passed August 3, 2005 and as amended by Ordinance No. 1842-05 passed September 26, 2005 are hereby repealed.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1898-05.

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

An emergency resolution designating the portion of East 22nd Street between Orange Avenue and Superior Avenue as "Sr. Ignatia Way" as a secondary and honorary designation.

Whereas, October 10th, 2005 is the 140th anniversary of the founding of St. Vincent Charity Hospital and the

154th anniversary of the arrival of the Sisters of Charity of St. Augustine in Cleveland, Ohio; and

Whereas, Sr. Ignatia Gavin, C.S.A. was a member of the religious community of the Sisters of Charity of St. Augustine; and

Whereas, Sr. Ignatia Gavin, C.S.A. was born in Ballyhane, County Mayo, Ireland on January 2, 1889 and emigrated to Cleveland, Ohio, U.S.A. as a small child and was raised in City of Cleveland; and

Whereas, Sr. Ignatia Gavin, C.S.A. helped co-found Alcoholics Anonymous at St. Thomas Hospital with Dr. Robert H. Smith and Bill Wilson in North East Ohio in 1939; and

Whereas, Alcoholics Anonymous has helped millions upon millions of people in every country; and

Whereas, Sr. Ignatia Gavin, C.S.A. founded Rosary Hall Solarium in 1952 at St. Vincent Charity Hospital as one of the first hospital-based wards dedicated to the recovery of people suffering from the disease of alcoholism and addiction; and

Whereas, Sr. Ignatia Gavin, C.S.A. died on April 1, 1966 and yet her legacy, contribution, and gift to Cleveland and the world continues to this day; and

Whereas, in order to commemorate this anniversary and honor the contributions of Sr. Ignatia Gavin, C.S.A., the City of Cleveland would like to designate E. 22nd Street between Orange Ave. and Superior Ave. as "Sr. Ignatia Way" as a secondary and honorary designation; and

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

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

Section 1. That the portion of East 22nd Street between Orange Avenue and Superior Avenue is designated as "Sr. Ignatia Way" as a secondary and honorary designation.

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. 1905-05.

By Council Members Zone, Sweeney, Kelley, Knight, Polensek, Coats, Pierce Scott, Reed, Westbrook, Conwell, Brady and Lewis.

An emergency resolution opposing the federal, "Gasoline for America's Security Act of 2005", H.R. 3893.

Whereas, late last month the House Energy and Commerce Committee passed H.R. 3893, the "Gasoline for America's Security Act of 2005"; and

Whereas, H.R. 3893 passed the Committee without the opportunity for state and local governments to comment on the consequences of this legislation's sweeping preemptive measures; and

Whereas, H.R. 3893 would give the Secretary of the Department of Energy the final siting and permitting authority for local refineries, thus overriding any state and local authority to do so; and

Whereas, H.R. 3893 would expose states and local governments to federal sanctions and lawsuits by threatening federal transportation and project development funding based on siting decisions made by the federal government; and

Whereas, H.R. 3893 would impact public health by compromising long standing federal environmental laws in that it would allow modifications that would expand the capacity of any industrial source (not just a refinery) without requiring any anti-pollution mechanisms; and

Whereas, H.R. 3893 reduces the number of possible blends of diesel and gasoline, without regard for the individual needs of states and localities that depend on these special blends to reduce emissions from mobile sources, thus affecting the health and well-being of Americans everywhere; and

Whereas, H.R. 3893 masks attempts to dismantle environmental laws that are not barriers to rebuilding the Gulf States affected by Hurricanes Katrina and Rita; and

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

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

Section 1. That this Council hereby opposes the federal, "Gasoline for America's Security Act of 2005", H.R. 3893.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to all members of the House of Representatives representing Cuyahoga County and to 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.

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. 1906-05.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3800 Whitman Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Wilfredo Matos, DBA Family Stop, 3800 Whitman Avenue, Cleveland, Ohio 44113, Permanent Number 56335770005 to Big House, LLC, DBA Whitman's, 3800 Whitman Avenue, Cleveland, Ohio 44113, Permanent Number 0698935; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Wilfredo Matos, DBA Family Stop, 3800 Whitman Avenue, Cleveland, Ohio 44113, Permanent Number 56335770005 to Big House, LLC, DBA Whitman's, 3800 Whitman Avenue, Cleveland, Ohio 44113, Permanent Number 0698935; 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. 1907-05.

By Council Member Brady.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3029 West 117th Street, and repealing Resolution No. 1322-05, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3029 West 117th Street by Resolution No. 1322-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Goal Post, Inc., DBA Lido Club, 3029 West 117th Street, Cleveland, Ohio 44111, Permanent Number 3231531 be and the same is hereby withdrawn and Resolution No. 1322-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1908-05.

By Council Member Brady.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 12702 Lorain Avenue, and repealing Resolution No. 1320-05, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 12702 Lorain Avenue by Resolution No. 1320-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Dollar Power Company, Ltd., LLC, DBA Dollar Power, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2237483 be and the same is hereby withdrawn and Resolution No. 1320-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives

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

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

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

Res. No. 1909-05.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Vaqas Corp., DBA 7 Eleven Food Store, 56642, 870 East 185th Street, Cleveland, Ohio 44119, Permanent Number 9184937 to Riffat Qadeer, Inc., DBA 7 Eleven, 870 East 185th Street, Cleveland, Ohio 44119, Permanent Number 7129045; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Vaqas Corp., DBA 7 Eleven Food Store, 56642, 870 East 185th Street, Cleveland, Ohio 44119, Permanent Number 9184937 to Riffat Qadeer, Inc., DBA 7 Eleven, 870 East 185th Street, Cleveland, Ohio 44119, Permanent Number 7129045; 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. 1910-05.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3560 East 93rd Street, and repealing Resolution No. 1385-05, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3560 East 93rd Street by Resolution No. 1385-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Kirksey, Inc., DBA Hank's, 3560 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 46687270001 be and the same is hereby withdrawn and Resolution No. 1385-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1911-05.

By Council Member White.

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

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a C2 and C2X Liquor Permit at Ocean, Inc., 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 6503136; and

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

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

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

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

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

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

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

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

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

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

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

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**

Ord. No. 1645-05.

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

An emergency ordinance declaring improvements to certain parcels of real property to be a public purpose, describing the public improvements to be made to directly benefit such parcels, requiring the owner of the improvements on such parcels to make service payments in lieu of taxes, establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments, authorizing a compensation agreement with the Cleveland Municipal School District, and related authorizations pursuant to Revised Code Sections 5709.40, 5709.42 and 5709.43.

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

1. In the second whereas clause, line 2, strike "File No. 1645-05-A" and insert "**in File No. 1645-05-C**".

2. In the sixth whereas clause, line 2, after "Ordinance No." strike the underline and insert "**1644-05**".

3. In Section 1, line 2, strike "Exhibit B" and insert "**the above described file**".

Amendments agreed to.

Ord. No. 1655-05.

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

An emergency ordinance an emergency ordinance declaring certain improvements to be for a public purpose and making provision for the collection of service payments in lieu of taxes pursuant to Sections 5709.41 to 5709.43 of the Revised Code, and establishing an Urban Redevelopment Tax Increment Equivalent Fund.

Approved by Directors of Economic Development, 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 the first whereas clause, line 4, after "Ordinance No.", strike the underline and "2005" and insert "**1644-05**".

2. In Section 1, line 2, after "Revised" insert "**Code**".

Amendments agreed to.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1662-04.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the construction of the Quigley Road connector; and authorizing the Director of Public Service

to enter into any relative agreements.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committees on 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. 1172-05.

By Council Member Cimperman.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 342.01 to 342.03 relating to Green Districts.

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

1. In the title, lines 4 and 5, strike "342.03 relating to Green Districts" and insert "**342.05 relating to Open Space and Recreation (OSR) Districts**".

2. In Section 1, line 2, strike "342.03" and insert "**342.05**".

3. In Section 1, strike lines 4 through the end of the section and insert the following:

**"CHAPTER 342
OPEN SPACE AND RECREATION
(OSR) DISTRICTS**

Section 342.01 Purpose

The "Open Space & Recreation District" is hereby established as part of the Zoning Code to ensure that public parks, public recreation areas and other public natural areas, as well as uses along waterfronts and waterways, are appropriately located and protected in order to meet needs for recreation, scenic enjoyment and environmental enhancement.

Section 342.02 Definitions

As used in this Chapter, the term "public" means ownership of property by any municipal, county or state government or the federal government, or by any agency of such governments.

Section 342.03 Permitted Main Uses

Only the following main uses shall be permitted in an Open Space and Recreation District:

(a) public parks, playgrounds, athletic fields, and recreation center buildings, including such recreation facilities as swimming pools, tennis courts, basketball courts, playground equipment, skateboard ramps, exercise rooms, meeting rooms and similar uses;

(b) public open space areas including wooded areas, stream valleys, grassy areas, nature preserves, wildlife habitats, scenic overlooks, gardens, beaches, fishing areas, multi-purpose trails, etc.; and

(c) marinas, yacht clubs, golf courses, and cemeteries.

Section 342.04 Permitted Accessory Uses

Only the following accessory uses shall be permitted in an Open Space and Recreation District:

(a) accessory structures and uses located on the property of and exclusively serving main uses described in Section 342.03, including benches, bleachers, bike racks, water fountains, trails, concession stands, clubhouses, piers, boardwalks, promenades, recreation equipment rental facilities, boat ramps, greenhouses, restrooms, fences (as regulated in Chapter 358), and similar structures accessory to a permitted main use;

(b) restaurants located on the property of main uses described in divisions Section 342.03, if approved by the City Planning Commission as complimentary to the principal recreation or open space use of the property with respect to the size, placement and design of the restaurant facility;

(c) surface parking lots and garages located on the property of main uses described in Section 342.03 and exclusively serving uses located on such property;

(d) signs accessory to a permitted use, excluding off-premise advertising signs, limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign; and

(e) any use permitted as a main use.

Section 342.05 Location Regulations

Uses and structures in an Open Space and Recreation District shall be located in accordance with the following regulations.

(a) **Buildings.** Buildings shall be set back from property lines of a Residential District a minimum of one (1) foot for each foot of building height, excluding the height of rooftop structures permitted to exceed height limits.

(b) **Outdoor Activity Facilities.** Outdoor activity facilities such as swimming pools, basketball courts, tennis courts, and athletic fields shall be set back a minimum of fifty (50) feet from property lines of a Residential District. Playground facilities shall be set back a minimum of twenty-five (25) feet from property lines of a Residential District. These setbacks shall not apply to adjoining property in a Residential District occupied by a school or other institution or a recreation use as its main use.

(c) **Exceptions.** The City Planning Commission may reduce the setback requirements in particular instances if it determines that such reduction will not adversely impact the use of adjoining properties."

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. 1654-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by the Cleveland-Cuyahoga County Port Authority located with the Flats East Bank area for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Revised Code Section 5709.41; and authorizing an agreement between the City and the Cleveland-Cuyahoga County Port Authority.

Approved by Directors of Community Development, 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. 1827-05.

By Mayor Campbell.

An emergency ordinance authorizing the Director of Public Utilities to accept a grant of \$400,000 from Interstate Gas Supply to fund community outreach programs to inform residents of energy-assistance benefits and conservation measures, and to create jobs for Cleveland residents in home weatherization, and authorizing the Director of Public Utilities to enter into necessary contracts.

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

1. In the title, line 6; after "measures,"; in the fourth whereas clause, after "measures"; and in Section 1, line 4, after "measures," insert **"to provide direct funding to energy-assistance programs,"**.

2. Insert new Sections 3 and 4 to read as follows:

"Section 3. That the Director of Public Utilities is authorized to enter into one or more contracts to fund entities that provide energy assistance programs for City residents in accordance with the summary contained in File No. 1827-05-A.

Section 4. That the Director of Public Utilities shall periodically report to the Public Utilities Committee of this Council on the programs authorized by this ordinance on a schedule acceptable to the Chairman of the Committee."

3. Renumber existing Sections 3 and 4 to new **"Section 5"** and **"Section 6"**.

1. In Section 2, at the end, add the following sentence: **"Communications through outreach programs funded by this ordinance shall not include the name, image, or voice of any elected City official, shall not make reference to any elected City official, and shall not include any representation of any elected City official."**

Amendments agreed to.

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

third time in full. Passed. Yeas 18. Nays 2.

Those voting yea: Council Members Jackson, Brady, Brancantelli, Cimperman, Cintron, Conwell, Dolan, Lipovan Holan, Johnson, Kelley, Knight, Polensek, Reed, Pierce Scott, Sweeney, Westbrook, White, Zone.

Those voting nay: Council Members Coats and Lewis.

Absent: Council Member Britt.

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. 1831-05.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue to Vienna Distributing Company.

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

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

SECOND READING ORDINANCES PASSED

Ord. No. 1296-05.

By Council Member Cimperman.

An ordinance to change the Use, Area and Height Districts of parcels on the north and south sides of Lausche Avenue; bounded by and fronting on East 61st Street and East 60th Street from a Two Family Residential District, a 'B' Area District and a '1' Height District to a Multi-Family Residential District, an 'E' Area District and a '2' Height District (Map Change No. 2155 Sheet No. 4).

Approved by Directors of City Planning Commission, Law; 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. 1299-05.

By Council Member Zone.

An ordinance to change the zoning of parcels on the north west corner of Herman Avenue and West 65th Street from a Two Family Residential District to a Local Retail Business District (Map Change No. 2156 Sheet No. 1).

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.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1841-05.

By Council Member Cimperman.

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the

creation of the Downtown Business Improvement District and to provide additional security for the Downtown Cleveland Improvement District, additional cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District and collective economic development and marketing of the Downtown Cleveland Improvement District, by making specified improvements along the public right-of-way.

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

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

JOURNAL CORRECTION

The Journal of September 21, 2005 (City Record Volume 92, page 2071), is hereby corrected to reflect the correct amendments to "SECOND READING EMERGENCY ORDINANCES PASSED" by striking all references to Ordinance No. 1491-05 including its amendment, then inserting the following:

"Ord. No. 1491-05.

By Mayor Campbell.

An emergency ordinance to amend Section 3 of Ordinance No. 651-05, passed April 25, 2005, relating to authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the City of Brecksville, between Oakes Road and Metro Parks Boulevard to the City of Brecksville.

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

1. In the title, line 2, strike "Section 3" and insert **"Sections 1, 2, and 3"**.

2. In Section 1, line 1, strike "Section 3" and insert **"Sections 1, 2, and 3"**; and also in line 1, strike "is" and insert **"are"**.

3. In Section 1, line 3, before amended Section 3 insert the following:

"Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a part of Permanent Parcel No. 603-14-004 is no longer needed for public use, consisting of one hundred and nine (109) acres, contiguous to the City of Brecksville's recreation center and running between Oakes Road and Metropolitan Park Boulevard west to the Broadview Heights city limit. The Director of Parks, Recreation and Properties shall cause a legal description to be prepared to describe said part of Permanent Parcel No. 603-10-004 to be placed in file No. 651-05-A.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the City

of Brecksville at a price not less than fair market value as determined by the Board of Control, which shall not be less than \$4,360,000.00 taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance."

4. In existing Section 1, at amended Section 3, strike lines 9 through 24 and insert the following: "communications antenna. The conveyance shall include a deed restriction to read as follows:

"Grantee agrees that the Property shall be used in perpetuity exclusively for municipal, municipally-related, and all other governmental purposes, including but not limited to recreational and cemetery uses. The Property shall not be used for residential, commercial, or industrial development. In the event the Property is used for other than a municipal, municipally-related or governmental purpose, and Grantee persists in said use after being notified in writing by Grantor to cease said use in excess of sixty (60) days from the date of the receipt of the aforesaid notice, the subject Property shall revert to Grantor. The duration of this restriction may be shortened at the discretion of the Grantor, if permitted by legislation, at any time during the time this restriction is in effect. In addition, the Grantee may be permitted to utilize all or part of the Property for uses not otherwise permitted by this restriction only upon the express written permission of the Grantor, if permitted by legislation, and only upon such terms and conditions as may be permitted by the Grantor."

5. In Section 2, line 2, strike "Section 3" and insert "Sections 1, 2, and 3"; and also in line 1, strike "is" and insert "are".

Amendments agreed to.

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

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

MOTION

By Council Member Lewis, seconded by Council Member Knight and unanimously carried that the absence of Council Member Patricia J. Britt, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:59 p.m. to meet Monday, October 17, 2005 at 7:00 p.m. in the Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 5, 2005

The special meeting of the Board of Control convened in the Mayor's office on Wednesday, October 5, 2005, at 3:30 p.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Ed Nunez, Acting Director, Office of Equal Opportunity.

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

Resolution No. 550-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 3-05, passed by the Cleveland City Council on January 31, 2005, IntelliNet Corporation is selected from list of firms determined, after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to provide citywide desktop support and help desk assistance services for various City departments.

Be it further resolved that the Director of Finance is authorized to enter into a written contract with IntelliNet Corporation, based upon its July 19, 2005 proposal, as amended August 16, 2005, to provide professional services for support and maintenance of desktop hardware, desktop software, desktop utilities, peripheral devices, and IT help desk support, problem resolution, and troubleshooting, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as described in the proposal for an aggregate fee not to exceed \$58,720.00, and shall contain such other provisions as the Director of Law considers necessary to protect and benefit the public interest.

Be it further resolved that employment of the following sub-consultant by IntelliNet Corporation under the contract authorized above is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
MBE - New Concepts Consulting, Inc.	15.00 % \$8,808.00

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 551-05.

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland, that Resolution No. 260-05, adopted by the Board of Control of the City

of Cleveland on May 25, 2005, approving the bid of United Service Management Group, Inc., d.b.a. Penn Window Cleaning Company as lowest and best for an estimated quantity of window washing is rescinded.

Be it further resolved that all bids received on April 14, 2005, for the City's requirements for an estimated quantity of window washing, all items, for various divisions of City government, under the authority of Ordinance No. 223-05 passed March 7, 2005, are rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 552-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of VanCuren Services, Inc., for for an estimated quantity of labor and materials necessary to trim trees, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 29th day of July 2005, under the authority of Ordinance No. 375-05, passed May 9, 2005 on the basis of the estimated quantity would amount to \$300,000.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153859 which shall be certified against such contract in the sum of \$50,000.00.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 553-05.

By Director Ciaccia.

Be it resolved, by Board of Control of the City of Cleveland that all bids received on August 26, 2005, for the public improvement of Rehabilitation of Main Sewers and Sewer Connections, all items, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 811-05, passed by the Council of the City of Cleveland on June 6, 2005, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director

McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 554-05.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Koch Corporation, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "B-05-1", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on June 29, 2005, under the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-2000, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$1,070,700.50, is affirmed and approved as the lowest responsible bidder; and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractor by Koch Corporation for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "B-05-1", is approved:

<u>Subcontractor</u>	<u>DBE/MBE/FBE%</u> <u>Dollar Amount</u>
Coniglio Company	12.60% DBE/MBE \$134,927.50

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 555-05.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that the bid of S & E Contracting, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "B-05-2", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on June 29, 2005, under the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-2000, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$437,848.05, is affirmed and approved as the lowest responsible bidder; and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractor by S & E Contracting for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "B-05-2", is approved:

<u>Subcontractor</u>	<u>MBE/FBE%</u> <u>Dollar Amount</u>
Cahlik Electric	15.04% FBE \$65,850.00

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 556-05.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Koch Corporation, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "C-05-1", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on June 29, 2005, under the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-2000, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$806,768.50, is affirmed and approved as the lowest responsible bidder; and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractor by Koch Corporation for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "C-05-1", is approved:

<u>Subcontractor</u>	<u>DBE/MBE/FBE%</u> <u>Dollar Amount</u>
Coniglio Company	10.84% DBE/MBE \$87,447.50

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 557-05.

By Director Watson.
Whereas, pursuant to the authority of Ordinance No. 906-05, passed August 3, 2005, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to convey certain easement rights in City-owned property no longer needed for public use for the public purpose of constructing additional right-of-way at the intersection of St. Clair Avenue and East 152nd Street, also known as a portion of Permanent Parcel Number 115-23-012, to the County of Cuyahoga; and

Whereas, said Ordinance No. 906-05 provided that the consideration to be paid for said easement rights shall be at a price not less than fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 906-05, passed by the Council of the City of Cleveland on August 3, 2005, the Commissioner of Purchases and Supplies is hereby directed to convey certain easement rights in City-owned property no longer needed for public use for the public purpose of constructing additional right-of-way at the intersection of St. Clair Avenue and East 152nd Street, also known as a portion of Permanent Parcel Number 115-23-012, to the County of Cuyahoga. The consideration to be paid for said property is hereby fixed at One Dollar (\$1.00), which amount is determined to be not less than fair market value.

Be it further resolved that the Director of Public Safety of the City of Cleveland is hereby requested to execute and deliver the City's official deed of easement conveying said easement rights which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 558-05.

By Director Watson.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Kiesler's Police Supply for an estimated quantity of ammunition, Group A, all items, Group B, Item 1, for the Department of Public Safety, Division of Police, for the period of one (1) year beginning with the date of execution of a contract, received on August 10, 2005, under Section 135.065 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to \$163,910.00 is affirmed and approved as the lowest and best bid, and the Director of Public Safety is 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 the contract of the following:

Requisition No. 145458 which shall be certified against such contract in the sum of \$9,525.00. The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than, the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 559-05.

By Director Rush.
Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 119-34-077 located at East 90th Street in Ward 6; and

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

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

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Curtis Taylor for the sale and development of Permanent Parcel No. 119-34-077 located at East 90th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 560-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 119-29-065 located at East 85th Street in Ward 6; and

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

Whereas, Sandra P. Fantroy, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Sandra P. Fantroy for the sale and development of Permanent Parcel No. 119-29-065 located at East 85th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 561-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 126-02-091 located at East 82nd Street in Ward 6; and

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

Whereas, Walter H. Koonce, Sr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Commu-

nity Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Walter H. Koonce, Sr. for the sale and development of Permanent Parcel No. 126-02-091 located at East 82nd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 562-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 119-21-030 located at East 81st Place in Ward 6; and

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

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

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Jean Davis for the sale and development of Permanent Parcel No. 119-21-030 located at East 81st Place, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director

McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 563-05.

By Director Baker,

Whereas, under the authority of Ordinance No. 126-05, passed by the Council of the City of Cleveland on February 28, 2005, and Board of Control Resolution No. 155-05, adopted April 6, 2005, authorized the City to enter into a requirement contract with Dell Marketing LP, for purchase of computer hardware and software, including maintenance and support; all items and

Whereas, the initial contract term was incorrectly stated in Resolution No. 155-05 as No. six months beginning from the date of execution of a contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 155-05, adopted by this Board on April 6, 2005, is amended by deleting the statement "for the period of six months beginning from the date of execution of a contract" and substituting "for a period of six months, with one option to renew for an additional six month period" for it, where appearing.

Be it further resolved that all other provisions of Resolution No. 155-05 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 564-05.

By Director Thompson.

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties is hereby authorized to enter into a concession agreement with Innovative Foods, Inc. to operate a mobile concession unit for the Department of Parks, Recreation & Properties at the Collinwood Athletic Complex for a period not to exceed sixty (60) days. Innovative Foods, Inc. shall pay the City a concession fee of the greater of \$2,000.00 or 5% of gross profits for Collinwood Athletic Complex.

Be it further resolved, that the Director of Parks, Recreation and Properties is authorized to enter into a concession agreement with Innovative Foods, Inc. for a period not to exceed sixty (60) days beginning with the date of execution of a contract, and the concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as said Director deems necessary to protect and benefit public interest.

Yeas: Mayor Campbell, Director Beasley, Acting Director Schneider, Director Ciaccia, Acting Director McGraw, Director Ricchiuto, Acting Directors Nemeth, Pettus, Directors

Thompson, Rush, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

GAIL D. BAKER,
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 24, 2005

9:30 A.M.

Calendar No. 05-162: 2603 Scranton Road (Ward 14)

Eugene Staiger, owner, and Rebecca Riker, tenant, appeal to extend the use of a dog day care business to include a rear 30' portion of a 40' x 169' parcel, located in split zoning between Semi-Industry and Multi-Family Districts on the east side of Scranton Road at 2603 Scranton Road; the 30' extension of use is in residence district zoning and a dog care business is not permitted in a Multi-Family District as stated in Section 337.08 of the Codified Ordinances.

Calendar No. 05-300: 18013 Cleveland Business Park (Ward 20)

Chelm Properties, owner, and Michael Bizjak, agent, appeal to install a 223 square foot, 20' tall development sign on an acreage parcel, located in a Semi-Industry District on the south side of Rocky River Drive at 18013 Cleveland Business Park Drive; as proposed, the sign exceeds the limitations of 96 square feet and a 12' height for a development sign in an industrial district, as stated in Section 350.15 of the Codified Ordinances.

Calendar No. 05-301: 19404 Chickasaw Avenue (Ward 11)

Theodore Radisek, owner, appeals to install 80 linear feet of chain link fence with a gate in the actual front yard and side yard of a 56' x 100' parcel, located in a Two-Family District on the south side of Chickasaw Avenue at 19404 Chickasaw Avenue; the proposed chain link fence is contrary to the Fence Regulations where only an ornamental or decorative fence shall be installed in the actual front yard and side yard in a Residence District, according to Section 358.04(c)(1) of the Codified Ordinances.

Calendar No. 05-302: 1623 Allman Court (Ward 14)

Eugene Staiger, owner, and Rebecca Riker, tenant, appeal to use a 33' x 85' "L" shaped parcel located in a Multi-Family District at 1623 Allman Court, as accessory outside area for a dog day care business situated on an adjoining lot in a one-story brick building that fronts on Scranton Road; and the proposed use of property is contrary to Section 337.08 where it is not permitted in a Multi-Family District and the Board of Zoning Appeals approval is required for the substitution of a non-conforming use, as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 05-303: 6501-09 Lorain Avenue (Ward 17)

Carlo Gutierrez, owner, appeals to change the use from a store to a day care in the first floor of an existing two-story mixed use building, situated on a 206' x 165' corner lot in a Local Retail Business District on the southwest corner of Lorain Avenue and West 65th Street at 6501-09 Lorain Avenue; subject to the Board of Zoning Appeals approval, the day care use is regulated as in the least restricted Residence District adjacent to the Local Retail District and the lot is adjacent to a Two-Family District; and contrary to Sections 349.04 (c) and (g), 7 off-street parking spaces are required and those proposed not being permitted for the purpose of traffic safety and vehicles backing out onto West 65th Street; with a 36' driveway width proposed where the maximum width of a driveway is 30' according to Section 349.06(c)(3); and contrary to the Fence Regulations, a 6' high fence is proposed along West 65th Street where a fence in the actual side street yard in a non-residential district may not exceed 4' in height, as stated in Section 358.05(a)(2) of the codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 10, 2005

At the meeting of the Board of Zoning Appeals on Monday, October 10, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-275: 14211-35 Kinsman Road

Great Lakes Resources, owner, and Jay Romer, appeal erect 60' x

153' one-story retail store & parking lot.

Calendar No. 05-277: 1227 West 69th Street
John Mulgrew, owner, appeals to install a 24' x 4' - 5" high above ground swimming pool on a 65' x 93' parcel in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 05-282: 2194 West 95th Street
Lewis Charitable Trust, owner, and Chad Cape, agent, appeal to change an existing two family dwelling to a two family dwelling & a 14' x 52' professional office space.

The following appeals were **Postponed:**

Calendar No. 05-281: 6501 Clark Avenue Postponed to November 21, 2005.

Calendar No. 05-250: 3664 West 46th Street Postponed to November 21, 2005.

Calendar No. 05-255: 2780 East 116th Street Postponed to November 28, 2005.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

Calendar No. 05-276: 3703 East 61st Street
Deborah Ranallo, appeals under Chapter 76 of the charter of the City of Cleveland & Section 329.02(d) of the Codified Ordinances from a Violation Notice.

In Executive Session on October 10, 2005, the following appeals heard by the Board on October 3, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-274: 1344 East 93rd Street
Bertha Lee Hunter, appealed to enclose the existing front porch of a one family dwelling in a Two-Family District.

Calendar No. 05-285: 2261 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-286: 2273 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-287: 2279 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-288: 2285 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-289: 2267 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-290: 2309 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-291: 2313 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-292: 2317 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-293: 2323 West 6th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-294: 2242 West 5th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-295: 2246 West 5th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-296: 2252 West 5th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-297: 2258 West 5th Street
Sammy Catania appealed to erect a single family residence with an attached garage in a Two-Family District.

Calendar No. 05-253: 10400 Lorain Avenue
Richard Giachetti appealed to change the use from 4 dwelling units and a bar to office space and a coffee shop in a mixed use two-story building in a General Retail business District.

The following appeals were **Denied:**

Calendar No. 05-268: 7018 Union Avenue
Ransom McDowell appealed to change the use from two dwellings and a café to three dwelling units and a bar with live entertainment and recreation in a Semi-Industry District.

Calendar No. 05-273: 3090 Livingston Road
Livingston Apartments, owner, and T-Mobile, prospective lessee, appealed to install an 84' high antenna tower and four equipment cabinets in a Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 5, 2005

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

* * *

Docket A-80-05.

RE: Appeal of Walter R. Eddy, Owner of the Residential Property located on the premises known as 6918 Gertrude Avenue from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated July 27, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance but to require two (2) layers of 5/8" dry wall on the addition with no special treatment on the exterior, and to grant the variance required to allow the windows to exist as shown on the drawings. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-85-05.

RE: Appeal of Clara Cogburn, Owner of the One Dwelling Unit/One & One-half Story Residential Property located on the premises known as 11714 Lenacrave Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Director of the Department of Building and Housing, dated July 22, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant the requested one (1) year "Extension of Time" until September 2006, in which to complete painting the property, with the request that the Appellant contact the City from time-to-time to see if there are any City programs, that have been updated that could be of any assistance to the Appellant. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-89-05.

RE: Appeal of Charles Christopher Real Estate, Owner of the Property located on the premises known as 2572 Scranton Road from a IMMEDIATE CEASE USE ORDER of the Director of the Department of Building and Housing, dated August 16, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building

Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant the use of seven (7) parking spaces, and to grant a "Partial Temporary Certificate of Occupancy" based upon the use of the five (5) public spaces and two (2) employee parking spaces and an internal occupancy of twenty (20) people. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-91-05.

RE: Appeal of Drs. Orin J. & Dorothy L.S. Martin, Owners of the Residential Property located on the premises known as 2092 West 73rd Street from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated August 9, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the property to remain with the nonconforming fire separations, noting that no hazards have been presented and that nothing will be built in the ten (10) foot requirement. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-102-05.

RE: Appeal of John & Kimberly Mulgrew, Owners of the Residential Property located on the premises known as 1227 West 69th Street from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated September 6, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variance and permit the fence surrounding the pool to act as a code compliant fence, noting that it is at least six (6) feet in height. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-104-05.

RE: Appeal of Ashland Chemical, Owner of the Property located on the premises known as 2191 West 110th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 23, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled for October 19, 2005.

* * *

Docket A-105-05.

RE: Appeal of Roger Carran C/O Harold Burns, Owner of the Property located on the premises known as

2345 St. Clair Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 16, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to consider the exit egress through the production studio to be satisfactory exit directly to the outside as required by the State of Ohio, requiring that the smoke detector system and alarming system between product studio and the live/work area be interconnected to give alarms in both areas and noting that there will be emergency lighting and an indicated path of egress maintained through the production studio area. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-108-05.

RE: Appeal of West Sixth Associates, Owner of the Property located on the premises known as 408 West St. Clair Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 31, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the sign to be erected or remain where it is, noting the concurrence of the Landmarks Commission that no danger is presented by the location. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-109-05.

RE: Appeal of McPhillips Plumbing, Heating and Air Conditioning Co., Owner of the Property located on the premises known as the Amesbury — Rosalind Apartments (10 Buildings, various addresses) from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 7, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-109-05 has been POSTPONED; to be rescheduled for October 19, 2005.

* * *

APPROVAL OF RESOLUTIONS (from September 7, 2005):

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

- A-99-05—Cleveland Municipal School District.
- A-101-05—OCDS Limited Partnership.

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

* * *

APPROVAL OF MINUTES:

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

September 7, 2005

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

* * *

OTHER BOARD BUSINESS:

SMOKE GUARD — DIVISION OF RECTOR SEAL

RE: Use of the Smoke Guard product in the City of Cleveland — which is a product designed specifically to keep smoke out of the elevator shaft and is not used for any other application.

* * *

Secretary

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, October 26, 2005 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, October 26, 2005, at 1:30 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 1785-05.

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

An ordinance to change the zoning of properties bounded by Chester Avenue, East 40th Street, East 79th Street and Carnegie Avenue including all properties on the South side of and fronting on Carnegie Avenue to Midtown Mixed Use Districts 1, 2, 3, and 4 (Map Change No. 2161, Sheet Number 5).

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

October 12, 2005 and October 19, 2005

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 19, 2005

Software to Support MITIS Computer System, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 2213-96, passed by the Council of the City of Cleveland, January 13, 1997.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 13, 2005 AT 10:00 A.M., 205 W. SAINT CLAIR AVENUE, 3RD FLOOR, CLEVELAND, OHIO 44114.

October 5, 2005 and October 12, 2005

FRIDAY, OCTOBER 21, 2005

Dry Cell Batteries, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 633-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 14, 2005 AT 10:00 A.M., CITY HALL, DIVISION OF FINANCIAL REPORTING & CONTROL, CONFERENCE ROOM 18, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 5, 2005 and October 12, 2005

WEDNESDAY, OCTOBER 26, 2005

Labor and Materials Necessary to Remove Rubber and any other Contaminants from Paved Surfaces, for

Various Divisions, Department of Port Control, as authorized by Ordinance No. 817-05, passed by the Council of the City of Cleveland, May 23, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 14, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 5, 2005 and October 12, 2005

THURSDAY, OCTOBER 27, 2005

St. John's Village (West) Phase I, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1913-01 and 1015-02, passed by the Council of the City of Cleveland, April 29, 2002 and May 20, 2002.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 20, 2005 AT 10:00 A.M., ROOM 518, CLEVELAND, OHIO 44114.

Fire Arms Training System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2460-02, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 20, 2005 AT 11:00 A.M., 3700 W. 58th STREET, CLEVELAND, OHIO 44114.

October 12, 2005 and October 19, 2005

FRIDAY, OCTOBER 28, 2005

Valve and Appurtenances (Groups A, B and C), for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 20, 2005 AT 10:30 A.M., DIVISION OF WATER, DISTRIBUTION & MAINTENANCE, 4600 HARVARD AVENUE, 2ND FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

October 12, 2005 and October 19, 2005

WEDNESDAY, NOVEMBER 2, 2005

Sanitary Sewer Corrections — Lift Stations No. 21 Pump Replacement, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 897-05, passed by the Council of the City of Cleveland, May 23, 2005.

THERE WILL BE A **NON-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, OCTOBER 20, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILD-

ING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Window Washing Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 223-05, passed by the Council of the City of Cleveland, March 7, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 20, 2005 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASING & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 12, 2005 and October 19, 2005

THURSDAY, NOVEMBER 3, 2005

Financial Reporting & Control Office Renovation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 835-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 20, 2005 AT 2:00 P.M., CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 12, 2005 and October 19, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

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

Public Service Committee: Present: Sweeney, Chair; Knight, Kelley, Polensek, Zone, Brady. *Authorized Absence:* Cimperman, Johnson, White.

2:00 p.m.

City Planning and Finance Committee: Present in Planning: Cimperman, Chair; Conwell, Vice Chair; Brancatelli, Kelley, Lewis, Pierce Scott. *Authorized Absence:* Lipovan Holan. Present in Finance: Sweeney, Vice Chair; Reed, Brady, Cimperman, Coats, Conwell, Pierce Scott, Westbrook. *Authorized Absence:* Jackson, Vice Chair; Britt, White. Pro-tem: Lewis Kelley.

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

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

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

City Planning Committee: Present in Planning: Cimperman, Chair; Brancatelli, Lipovan Holan, Lewis, Pierce Scott. *Authorized Absence:* Conwell, Vice Chair; Kelley.

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