

# The City Record

Official Publication of the Council of the City of Cleveland



February the Eleventh, Two Thousand and Four

**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

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Containing	PAGE
City Council	3
The Calendar	14
Board of Control	14
Civil Service	16
Board of Zoning Appeals	17
Board of Building Standards and Building Appeals	18
Public Notice	18
Public Hearings	18
City of Cleveland Bids	19
Adopted Resolutions and Ordinances	20
Committee Meetings	30
Index	31

# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840		
	First Assistant Clerk – Sandra Franklin		
<b>MAYOR – Jane L. Campbell</b>			
	Debra M. Janik, Chief of Staff		
	Darnell Brown, Executive Assistant		
	Timothy Mueller, Executive Assistant		
	Craig Tame, Executive Assistant		
	Galen L. Schuerlein, Executive Assistant		
	_____, Director, Office of Equal Opportunity		
	Margreat A. Jackson, Legislative Affairs Liaison		
	Erik Janas, Inter-Governmental Affairs Officer		
	Lorna Wisham, Chief Public Affairs Officer		
<b>DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106</b>			
	Karen E. Martines, Law Librarian, Room 100		
<b>DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;</b>			
	Frank Badalamenti, Manager, Internal Audit		
	DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19		
	Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122		
	City Treasury – Algeron Walker, Treasurer, Room 115		
	Financial Reporting and Control – James Gentile, Controller, Room 18		
	Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street		
	Purchases and Supplies – Myrna Branche, Commissioner, Room 128		
	Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue		
	Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue		
<b>DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue</b>			
	DIVISIONS – 1201 Lakeside Avenue		
	Cleveland Public Power – James F. Majer, Commissioner		
	Street Lighting Bureau – _____, Acting Chief		
	Utilities Fiscal Control – Dennis Nichols, Commissioner		
	Water – Julius Ciaccia, Jr., Commissioner		
	Water Pollution Control – Darnell Brown, Commissioner		
<b>DEPT. OF PORT CONTROL – John C. Mok, Director</b>			
	Cleveland Hopkins International Airport, 5300 Riverside Drive		
	Burke Lakefront Airport – Khalid Bahhur, Commissioner		
	Cleveland Hopkins International Airport – Fred Szabo, Commissioner		
<b>DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113</b>			
	DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517		
	Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518		
	Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards		
	Streets – Randell T. Scott, Commissioner, Room 25		
	Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1		
	Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue		
<b>DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.</b>			
	DIVISIONS: Air Quality – Commissioner		
	Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.		
	Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.		
	Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.		
<b>DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230</b>			
	DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street		
	Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive		
	Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue		
	Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street		
<b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES – Natalie A. Ronayne, Director</b>			
	Cleveland Convention Center, Clubroom A, 1220 East 6th Street		
	DIVISIONS: Convention Center & Stadium – James Glending, Commissioner		
	Public Auditorium, East 6th Street and Lakeside Avenue		
	Parking Facilities – Dennis Donahue, Commissioner		
	Public Auditorium, East 6th Street and Lakeside Avenue		
	Park Maintenance and Properties – Richard L. Silva, Commissioner		
	Public Auditorium – East 6th Street and Lakeside Avenue		
	Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard		
	Recreation – Michael Cox, Commissioner, Room 8		
	Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road		
	Burke Lakefront Airport		

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

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

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

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

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

**DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director**

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

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

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

**BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, Eugene Cranford, Jr., Secretary.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, FEBRUARY 11, 2004

No. 4705

## CITY COUNCIL

MONDAY, FEBRUARY 9, 2004

### The City Record

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Address all communications to

**VALARIE J. McCALL**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 9, 2004

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

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

Also present were Mayor Campbell, Chief of Staff Janik and Executive Assistant Brown, Director Chandra, Chief Counsel Beasley, Directors Baker, Konicek, Mok, Richiuto, Carroll, Watson, N. Ronayne, Williams, Routen, Fumich, Taylor, Johnson, and C. Ronayne, and Margaret Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Daniel Spacagna of the Church of the Living God, located at 9403 Garfield Boulevard. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 1520-03-A.

From the Department of Public Health — Notification letter re: Ord. No. 1520-03. Received.

##### File No. 216-04.

From HMSHost Corporation — copy of brochure re: New Concessions Program at Cleveland Hopkins International Airport. Received.

##### File No. 217-04.

From Fairmount Properties re: notification of change of name from CenterPoint Properties to Fairmount Properties. Received.

##### File No. 218-04.

From the Division of Purchases and Supplies — re: Mayor Emergency Requisition/Purchase Orders, Replacement of Existing #3 Brick Sewer due to Collapse on East 4th Street. Received.

##### File No. 219-04.

From the Fair Employment Wage Board — public hearing notice. Received.

##### File No. 220-04.

From Clerk of Council Valarie J. McCall — copies of Ordinance No. 2186-03 forwarded to Cuyahoga County Board of Elections. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 221-04.

Re: New Application — 2631277 — Family Dollar, Inc., d.b.a. Family \$1.00 Discount, 3230 East 93rd Street. (Ward 5). Received.

##### File No. 222-04.

Re: Transfer of Ownership Application — 9279409 — W.B. Holdings, Inc., 10510-12 Madison Avenue, first floor and basement. (Ward 19). Received.

#### OATH OF OFFICE

##### File No. 223-04.

Matthew P. Carroll — oath of office — Director of Public Health. Received.

##### File No. 224-04.

Sanford E. Watson — oath of office — Director of Public Safety. Received.

**File No. 225-04.**

Anthony D. Jordan — oath of office — Chief Assistant Prosecutor. Received.

**File No. 226-04.**

M. Ross Steinberg — oath of office — Professional Standards Administrator of the Department of Public Safety. Received.

**PLATS****File No. 191-04.**

Subdivision Plat for Villas of Woodhaven Phase 2. (Ward 6).

Approved by Committees on Public Service and City Planning.

Without objection, Plat approved. Yeas 20. Nays 0.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 227-04**—Dora Lee Reed.

**Res. No. 228-04**—Robert Stock.

**Res. No. 229-04** — Olga Louise Drake El.

**Res. No. 230-04**—George Siemer.

**Res. No. 231-04**—Pearl O'Bannon.

**Res. No. 232-04**—Edward Popek.

**Res. No. 233-04**—Elder James Robinson.

**CONGRATULATION RESOLUTION**

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

**Res. No. 234-04** — Cleveland-Marshall College of Law Library.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 235-04** — Organization of Chinese Americans of Greater Cleveland.

**Res. No. 236-04**—Task Force for Community Mobilization.

**Res. No. 237-04**—Delores Walton.

**Res. No. 238-04**—14th Annual National City Cleveland Home & Garden Show.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 201-04.**

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

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Board of County Commissioners (the "County") and the Director of Transportation of the State of Ohio (the "Director of Transportation") to construct the following improvement under plans, specifications and estimated by the County and the Director of Transportation: to paint the structural steel on the Main Avenue Bridge over the Cuyahoga River (the "Improvement").

**Section 2.** That the City proposes to cooperate with the County and the Director of Transportation in the cost of the Improvement by cooperating to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement.

**Section 3.** That the Director of Public Service is authorized to enter into agreements with the County and the Director of Transportation that are necessary to complete the planning and construction of the Improvement.

**Section 4.** That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement under the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

**Section 5.** a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or grater) within the limits of the Improvement under applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public util-

ity companies whose lines or structures will be affected by the Improvement, that the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that the companies have agreed to make necessary rearrangements immediately after notification by the City.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that the rearrangements shall be done at a time that is requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed under the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), e), f) and h) of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the above-mentioned Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

**Section 6.** That the Council of the City requests the County to proceed with the Improvement.

**Section 7.** That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section, and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

**Section 8.** That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into agreements with the County as are necessary to finance the Improvement.

**Section 9.** That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

**Section 10.** That the Clerk of Council is authorized to transmit to the County and to the Director of Transportation three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 202-04.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of Oakdale Avenue to Amistad Development Corporation, Inc., or its designee.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Amistad Development Corporation, Inc., or its designee (the "Redeveloper") no longer needed for public use and located at the southeast corner of Oakdale Avenue extending to the southeastern corner of Alonzo Avenue and East 153rd Street; and

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

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

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

Permanent Parcel Number 142-23-001  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 81, and bounded and described as follows:

Beginning at a 1" iron pin in a monument box on the centerline of Oakdale Avenue, S.E., 40 feet wide, at its intersection with the centerline of East 153rd. Street, 50 feet wide;

Thence North 89°-41'-00" East, along the centerline of Oakdale Avenue, S.E., a distance of 49.88 feet to the Northerly prolongation of the Westerly line of Sublot No. 50 in the Kleinman Miles Allotment, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records;

Thence South 0°-13'-11" East, along said Northerly prolongation, a distance of 20.00 feet to a 5/8" capped (Reitz Eng) iron pin set at the Northwesterly corner of said Sublot No. 50 on the Southerly line of Oakdale Avenue, S.E. and the principal place of beginning;

Thence continuing South 0°-13'-11" East, along the Westerly line of said Sublot No. 50 and along the Westerly line of Sublot No. 73 in said Kleinman Miles Allotment, passing through a 5/8" capped (Reitz Eng) iron pin set at 114.00 feet, a distance of 228.00 feet to a 5/8" capped (Reitz Eng) iron pin set on the Northerly line of Alonzo Avenue, S.E., 40 feet wide;

Thence South 89°-41'-00" West, along the Northerly line of Alonzo Avenue, S.E., a distance of 25.16 feet to a 5/8" capped (Reitz Eng) iron pin set on the Easterly line of East 153rd Street;

Thence North 0°-09'-18" West, along the Easterly line of East 153rd Street, a distance of 228.00 feet to a 5/8" capped (Reitz Eng) iron pin set on the Southerly line of Oakdale Avenue, S.E.;

Thence North 89°-41'-00" East, along the Southerly line of Oakdale Avenue, S.E., a distance of 24.90 feet to the principal place of beginning, and containing 0.1310 acres (5,707 square feet) of land, according to a survey by The Henry G. Reitz Engineering Company, Stuart W. Saylor, Registered Surveyor No. S-8028, dated October, 2003, be the same more or less, but subject to all legal highways and easements of record.

All bearings are based on Alonzo Avenue, S.E., having a bearing of North 89°-41'-00" E., and are used to denote angles only.

Permanent Parcel Number 142-23-002

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 81, and bounded and described as follows:

Beginning at a 1" iron pin in a monument box on the centerline of Oakdale Avenue, S.E., 40 feet wide, at its intersection with the centerline of East 153rd. Street, 50 feet wide;

Thence South 0°-09'-18" East, along the centerline of East 153rd. Street, a distance of 288.00 feet to the Westerly prolongation of the Southerly line of Alonzo Avenue S.E., 40 feet wide;

Thence North 89°-41'-00" East, along said Westerly prolongation, a distance of 25.00 feet to the Easterly line of East 153rd Street and the principal place of beginning;

Thence continuing North 89°-41'-00" East, along the Southerly line of Alonzo Avenue S.E., a distance of 25.20 feet to the Northwesterly corner of a parcel of land conveyed to the City of Cleveland Land Reutilization Program, by deed recorded in Volume 86-4392, Page 46 of Cuyahoga County Official Records;

Thence South 0°-13'-11" East, along the Westerly line of land so conveyed to the City of Cleveland Land Reutilization Program, a distance of 114.00 feet to the Northerly line of a parcel of land conveyed to the City of Cleveland, by deed recorded in Volume 12105, Page 129 of Cuyahoga County Records of Deeds;

Thence South 89°-41'-00" West, along the Northerly line of land so conveyed to the City of Cleveland, a distance of 25.33 feet to the Easterly line of East 153rd. Street;

Thence North 0°-09'-18" West, along the Easterly line of East 153rd Street, a distance of 114.00 feet to the principal place of beginning, and containing 0.0661 acres (2,880 square feet) of land, according to a survey by The Henry G. Reitz Engineering Company, Stuart W. Saylor, Registered Surveyor No. S-8028,

dated September, 2003, be the same more or less, but subject to all legal highways and easements of record.

All bearings are based on Alonzo Avenue, S.E., having a bearing of North 89°-41'-00" East, and are used to denote angles only.

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

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

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

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

**Ord. No. 203-04.**

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

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

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 William J. Rosby to provide economic development assistance to partially finance the construction, renovation and soft costs of a mixed-use residential and commercial building located at 4479-83 Broadview Road, and all other associated costs to redevelop the property located in Cleveland, Ohio.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 203-04-A.

**Section 3.** That the costs of the contract shall not exceed One Hundred Fifteen Thousand Dollars (\$115,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103566.

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

**Section 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund 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 Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction.

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

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

**Ord. No. 204-04.**

**By Council Members Westbrook, Brady, Johnson, Cimperman and Jackson (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at the perimeter of Jasper Playfield, for the Department of Parks, Recreation and Properties.**

Whereas, the Director of Parks, Recreation and Properties has requested the purchase of property which is located at the perimeter of Jasper Playfield; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Pur-

chases and Supplies is authorized to purchase the following described property for future redevelopment:

P. P. No. 017-17-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 273, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

P. P. No. 017-17-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 274, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

P. P. No. 017-17-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 275, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

P. P. No. 017-17-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 276, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

## P. P. No. 017-17-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 277, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

## P. P. No. 017-17-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 278, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

## P. P. No. 017-17-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 279, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 25, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**Section 2.** That the Director of Parks, Recreation and Properties is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 3.** That the consideration to be paid for this property shall not exceed fair market value.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 20 SF 382.

**Section 5.** That this ordinance is declared to be an emergency mea-

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

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

**Ord. No. 208-04.****By Council Member Coats.**

**An emergency ordinance authorizing the Director of Community Development to lease certain property to Clifford M. Daniels and Donna W. Williams, for a term of fifteen years, with one option to renew for an additional fifteen year period, for the purpose of redeveloping, landscaping, and maintaining a parking lot.**

Whereas, the City of Cleveland owns certain property known as Permanent Parcels 111-70-009 and 111-70-010, which are not needed for public use; and

Whereas, Clifford M. Daniels and Donna W. Williams have proposed to lease the property from the City; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease to Clifford M. Daniels and Donna W. Williams ("Lessees"), certain property which is no longer needed for public use for the term of the lease:

## P. P. No. 111-17-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 136 in L.M. Southern's Forest Parka Subdivision of part of Original One Hundred Acre Lots Nos. 358, 359, 366 as shown by the recorded plat in Volume 27 of Maps, Page 23 of Cuyahoga County Records. Said Sublot No. 136 has a frontage of 40.07 feet on the Northerly side of St. Clair Avenue N.E., (formerly St. Clair Street), and extends back 130.71 feet on the Easterly line, 133.10 feet on the Westerly line, and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Excepting there from the Southeasterly 10 feet of said Sublot No. 136 conveyed by Christian Miller, single, to the City of Cleveland to be used for the widening of St. Clair

Avenue, deed dated December 28, 1914 and recorded in Volume 1611, Page 242 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

## P. P. No. 111-17-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 135 in L.M. Southern's Forest Park Subdivision of part of Original One Hundred Acre Lots Nos. 358, 359, 365 and 366 as shown by the recorded plat in Volume 27 of Maps, Page 23 of Cuyahoga County Records. Said Sublot No. 135 has a frontage of 40.07 feet on the Northerly side of St. Clair Avenue, N.E., (formerly St. Clair Street), and extends back 128.33 feet on the Easterly line, 130.17 feet on the Westerly line, and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Excepting there from the Southeasterly 10 feet of said Sublot No. 135 conveyed by Christian Miller, single to the City of Cleveland to be used for the widening of St. Clair Avenue, deed dated December 28, 1914 and recorded in Volume 1611, Page 242 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

**Section 2.** That the term of the lease authorized by this ordinance shall not exceed fifteen (15) years, with one option, exercisable by the Director of Community Development, to renew for an additional fifteen (15) year period, and cancellable on thirty days written notice by the Director.

**Section 3.** That the property described above shall be leased at a rental of One Dollar (\$1.00) per year, and other valuable considerations determined as fair market value, for each year of the lease.

**Section 4.** That the lease may authorize the Lessees to make improvements to, including but not limited to, redeveloping, landscaping, and maintaining the leased premises subject to the approval of appropriate City agencies and officials.

**Section 5.** That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

**Section 6.** That the Director of Community Development and the Director of Law, and other appropriate City officials, are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

**Ord. No. 213-04.**

**By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 100th Street to Fairfax Renaissance Development Corporation.**

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). 121-18-143, as more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 121-18-143

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 66 in the Jane Sayle and others Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 100th Street and extending back of equal width, 125 feet deep, 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 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. 214-04.**

**By Council Member Polensek.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 741 East 165th Street to Collinwood 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). 116-21-015,

as more fully described below, to Collinwood 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. 116-21-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 10 feet of Sublot No. 23 and the Northerly 25 feet of Sublot No. 24 in the Gund Subdivision of part of Original Euclid Township Track No. 16, as shown by the recorded plat of said Subdivision in Volume 27 of Maps, Page 3 of Cuyahoga County Records. Said part of Sublot Nos. 23 and 24 together forming a parcel of land having a frontage of 35 feet on the Easterly side of East 165th Street (formerly Gund Avenue), and extends back between parallel lines, 120 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.

**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 ORDINANCE REFERRED

Ord. No. 215-04.

By Council Member Zone.

An ordinance to change the zoning of parcels between W. 77th and W. 79th Streets north of Madison Avenue and South of the Norfolk and Western Railroad Right of Way from a General Industry Use District to a Multi-Family Residential Use District and from a "B" Area to an "E" Area (Map Change No. 2112, Sheet No. 1).

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

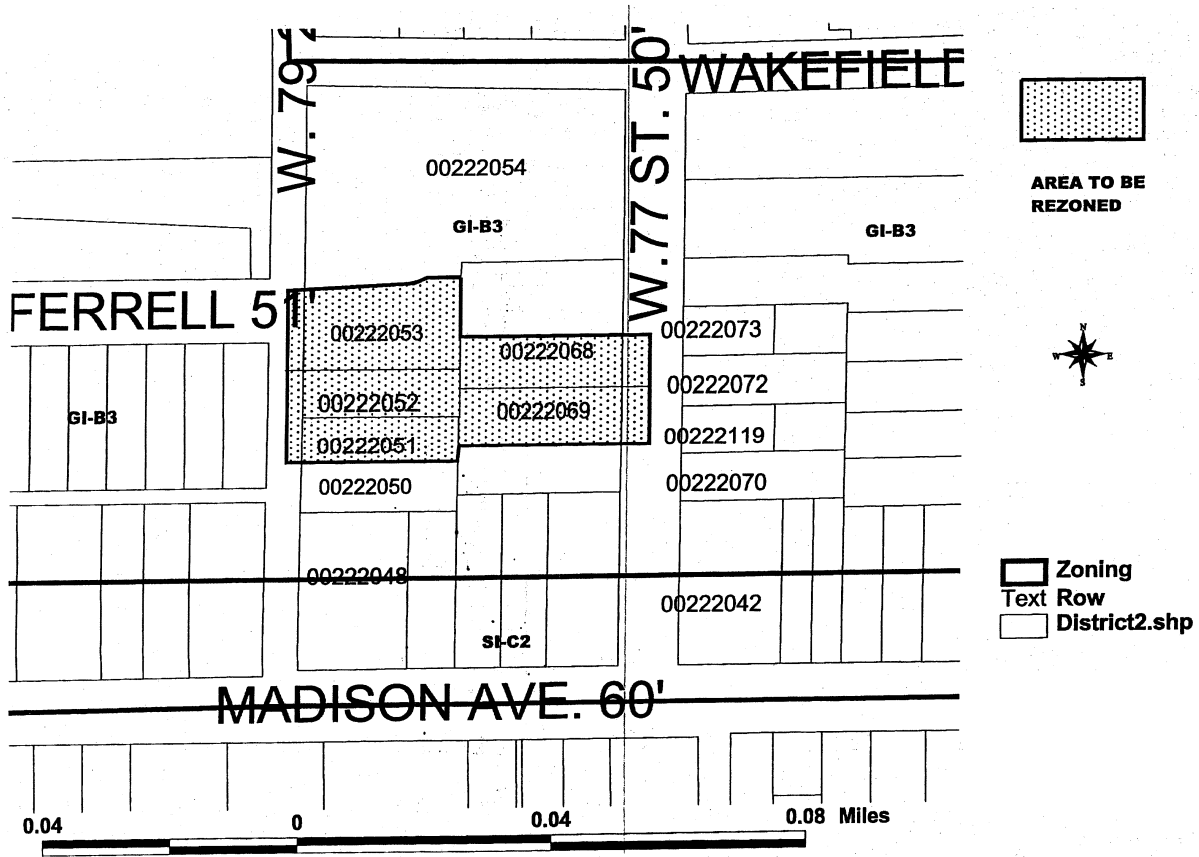
Section 1. That the Use and Area Districts of lands bounded and described as follows:

Beginning on the centerline of West 77th Street (50 feet wide) at its intersection with the Easterly prolongation of the Southerly line of Sublot Number 2 in the S.L. Severance Allotment as shown on the recorded plat in Volume 5 page 14 of Cuyahoga County Map Records; thence Westerly along the Easterly prolongation and Southerly line of said Sublot Number 2 to the Southwesterly corner thereof; thence Northerly along the Westerly line of said Sublot Number 2 to its intersection with the Southerly line of Sublot Number 5 in the D.Z. Herr & C. Gregerson Allotment as shown by the recorded plat in Volume 5 page 46 of Cuyahoga County Map Records; thence Westerly along the Southerly line of said Sublot Number 5 and its Westerly prolongation to the centerline of West 79th Street (29 feet wide); thence Northerly along the centerline of said West 79th Street to its intersection with the Westerly prolongation of the Northerly line of Sublot Number 8 in said D.Z. Herr & C. Gregerson Allotment; thence Easterly along the Westerly prolongation and Northerly line of said Sublot Number 8 to its intersection with the Westerly line of Sublot Number 6 in the S.L. Severance Allotment as aforesaid; thence Northerly along the Westerly line of said Sublot Number 6 to the Northeasterly corner thereof; thence Easterly along the Northerly line of said Sublot Number 6 and its Easterly prolongation to its intersection with the centerline of West 77th Street as aforesaid; thence Southerly along the centerline of said West 77th Street to the place of beginning, and as outlined and shaded on the attached map is changed to a Multi-Family Residential Use District Business and to an "E" Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2112, Sheet No. 1, 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.

Proposed rezoning of parcels between W. 77th and W. 79th Streets North of Madison Avenue and South of the Norfolk and Western Railroad right of way from a General Industry Use District to a Multi-Family Residential Use District and from a "B" Area to an "E" Area District. (Map Change No. 2112, Sheet No. 1).



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

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

**Ord. No. 205-04.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2003 Urban Area Security Initiative Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing agreements with the County of Cuyahoga and the American Red Cross Greater Cleveland Chapter.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$2,855,087.00, from the County of Cuyahoga to conduct the 2003 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

**Section 2.** That the award letter and other documents for the grant, File No. 205-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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 4.** 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 de-

partments 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 5.** That, in addition, the sum of not more than \$38,000 is appropriated to the Department of Public Safety for administrative costs necessary to implement the Program.

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

**Section 7.** That The Director of Public Safety is authorized to enter the following agreements with the following entities in the amounts specified for purposes of implementing the grant as described in the file:

County of Cuyahoga	\$518,208.00
American Red Cross Greater Cleveland Chapter	\$ 15,000.00

**Section 8.** 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 9.** That the contractual authority authorized by this ordinance is intended to authorize only the purchase of the categories of equipment identified in the letter from Mr. Withrow to Mr. Draper dated January 26, 2004 and supporting documents contained in the above-mentioned file, and to implement the services and programs described in the file. Additional legislative authority shall be required to enter into contract for any items of equipment, or for any services or programs, not identified in the file.

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

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. 206-04.**

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

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

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$1,089,511.00, from the County of Cuyahoga to conduct the 2003 State Homeland Security Grant Program, Part II; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

**Section 2.** That the award letter and other documents for the grant, File No. 206-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

**Section 5.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio

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

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

**Section 7.** That the contractual authority authorized by this ordinance is intended to authorize only the purchase of the categories of equipment identified in the letter from Mr. Withrow to Mr. Draper dated January 26, 2004 and supporting documents contained in the above-mentioned file, and to implement the services and programs described in the file. Additional legislative authority shall be required to enter into contract for any items of equipment, or for any services or programs, not identified in the file.

**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.

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. 207-04.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 1501-03, passed December 15, 2003, relating to authorizing the Director of Community Development to expend funds and to enter into contracts for the implementation of homeless assistance activities and with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1501-03, passed December 15, 2003, is amended to read as follows:

**Section 2.** That the aggregate cost of the contracts authorized in Section 1 of this ordinance shall be in an amount not to exceed **\$1,773,000.00** and shall be paid from Fund Nos. 13 SF 981, 14 SF 028 and 14 SF 029, Request No. 125748.

**Section 2.** That existing Section 2 of Ordinance No. 1501-03, passed December 15, 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.

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. 209-04.**

**By Council Member Pierce Scott. An emergency ordinance amending the Title and Section 1 of Ordinance No. 1988-03, passed October 13, 2003 as it pertains to the New Fellowship Missionary Baptist Church After-school Leaders of Tomorrow Program through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance No. 1988-03, passed October 13, 2003 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Fellowship Missionary Baptist Church for an After-school Leaders of Tomorrow Program through the use of Ward 8 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the New Fellowship Missionary Baptist Church for the After-school Leaders of Tomorrow Program for the public purpose of providing remedial education to Cleveland school children that have educational deficiencies through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the Title and Section 1 of Ordinance No. 1988-03, passed October 13, 2003 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. 210-04.**

**By Council Member Britt. An emergency resolution objecting to a New C1 Liquor Permit at 2603 Woodhill Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Ibald, Inc., 2603 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 4118409; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Ibald, Inc., 2603 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 4118409, 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. 211-04.**

**By Council Member Cimperman. An emergency resolution withdrawing objections to the renewal and transfer of stock of a D5 and D6 Liquor Permit at 4829 Superior Avenue and repealing Resolution Nos. 1624-02 and 2460-03, objecting to said renewal and transfer.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 4829 Superior Avenue by Resolution No. 1624-02 adopted by the Council on August 14, 2002 and Resolution No. 2460-03 adopted by the Council on December 15, 2003; and

Whereas, this Council wishes to withdraw its objections to the above renewal and transfer of stock and consents to said renewal and transfer of stock based upon and pursuant to a cooperation agreement by and through City Council Representative, Joseph Cimperman and Applicant, Inchul Kim, Vice President of SCS Enterprises, Inc., DBA Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objections to a D5 and D6 Liquor Permit to SCS Enterprises, Inc., DBA Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934 be and the same is hereby withdrawn and Resolution Nos. 1624-02 and 2460-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal and transfer thereof.

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

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. 212-04.**

**By Council Member White.**

**An emergency resolution declaring this Council's support of the proposal of the NRC Group, LLC for the Union Miles Homes IV Housing Tax Credit Development to the Ohio Housing Finance Agency for the use of low-income housing tax credits.**

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the NRC Group, LLC is proposing to develop up to 40 single family homes on scattered sites in the Union Miles Neighborhood of Cleveland; and

Whereas, 100% of these homes will be occupied by families at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 20% of these housing units will serve a special needs population, specifically households with a member or members having mobility and/or sensory impairment; and

Whereas, the NRC Group LLC proposal will benefit the citizens of the City; 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 declares its support of the proposal of the NRC Group, LLC for the Union Miles Homes IV Housing Tax Credit Development to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the project owner of the NRP Group LLC at 5309 Transportation Boulevard, Cleveland, 44125.

**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 PASSED**

**Ord. No. 2136-03.**

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to study, assess, market, and sell corporate sponsorships for City facilities and assets.

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

1. In Section 1, strike lines 3 and 4 and insert "of providing professional services necessary to study, assess, and".

2. In Section 3, at the end, add the following: "That the contract or contracts authorized by this ordinance shall include a term stating that the consultant or consultants shall not consider changing the name of any neighborhood in the City for purposes of corporate sponsorships."

3. Insert a new Section 5 to read as follows:

**"Section 5. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation, and Properties is authorized to enter into one or more amendments to City Contract No. 56140 ("Concession Agreement") between the City of Cleveland and Lum's Vending and Food Service, Inc. and Cleveland Coca-Cola Bottling Company, Inc., a Joint Venture, to extend the term of the Concession Agreement until the earlier of: (a) the City enters into a corporate sponsorship agreement for soft drinks, candy, snack, and other vending machines throughout City**

**parks and various City-owned and City-leased buildings, or (b) the City enters a new concession agreement for soft drinks, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings under the authority of Ordinance No. 39-03, passed by Cleveland City Council on May 12, 2003. That if the Director enters into any amendments to the Concession Agreement, the term of the Concession Agreement, as amended, shall not exceed December 31, 2004."**

4. Renumber existing "Section 5" to new "Section 6".

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. 2142-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving The Collinwood Community Center of the Department of Community Development; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

**Ord. No. 2143-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland City Hall; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

**Ord. No. 2145-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or

otherwise improving various Department of Public Safety facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

**Ord. No. 2146-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Service facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

**Ord. No. 2227-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Bennington Avenue and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

**Ord. No. 2241-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Lakeside Avenue and Van Aken Boulevard and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

**Ord. No. 2329-03.**

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances necessary to provide a completed project; and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

**Ord. No. 2330-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating West 105th Street between Lorain Avenue and Bellaire Road; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

**Ord. No. 2333-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Euclid Avenue between the East Cleveland corporation line and the Euclid corporation line; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to enter into a Local Project Administration Agreement with the Ohio Department of Transportation regarding the improvement.

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

1. Renumber the second Section 4 to new "Section 5".

Amendment agreed to.

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

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

**Ord. No. 2334-03.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Grayton Road between Puritas Avenue and the I-480 bridge; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

**Ord. No. 2426-03.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Cognos Corporation for the acquisition of one or more licenses for a financial information budgeting system and to upgrade and migrate the system, including but not limited to installation, design, training, testing, technical support, and software maintenance for a period of five years.

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

1. In the title, line 9, and Section 1, line 5, strike "for a period of five years" and insert: "through September 18, 2007".

Amendment agreed to.

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

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

**Ord. No. 2433-03.**

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

An emergency ordinance to amend Section 6 of Ordinance No. 482-02, passed May 13, 2002, relating to the public improvement of rehabilitating a portion of Kinsman Road between East 93rd Street and the eastern corporation line.

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

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

**Ord. No. 3-04.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various equipment for the Division of Fire, Department of Public Safety.

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

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

**Ord. No. 4-04.**

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

An emergency ordinance determining to proceed to provide additional security for the Cleveland Theater District, cleaning and maintaining the public rights-of-way and Star Plaza within the District and collective marketing in the District in the City of Cleveland; adopting the assessments; and levying the assessments.

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

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

**Ord. No. 64-04.**

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to upgrade and interconnect traffic signals at three intersections located in the Cities of Cleveland and Shaker Heights.

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

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

**Ord. No. 94-04.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more agreements with the Cleveland Municipal School District, the Cleveland Public Libraries, and other entities to allow the placement and maintenance of City recycling bins on their properties.

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

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

**Ord. No. 116-04.**

By Mayor Campbell and Council Member Brady.

An emergency ordinance to amend Sections 191.0318, 191.0501, 191.0901, and 191.1102, as amended by various ordinances, relating to including lottery and gambling winnings into the definition of taxable income, rate and taxable income, sources of income not taxed, and form and content of return.

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

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

**Ord. No. 167-04.**

By Council Member Rybka.

An emergency ordinance to appropriate property for the public purpose of extending Bessemer Avenue.

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

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

**THIRD READING EMERGENCY ORDINANCE PASSED**

**Ord. No. 2431-03.**

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from American Public Power Association for the Case Western Reserve University North Residential Village Combined Cooling and Heating Program; and authorizing one or more contracts with Case Western Reserve University to implement the program.

Read third time. Passed. Yeas 20. Nays 0.

**MOTION**

By Council Member Rybka, seconded by Council Member Gordon and unanimously carried that the absence of Council Member Michael A. Dolan, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:31 p.m. to meet on Monday, February 23, 2004, at 7:00 p.m. in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

February 4, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 4, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pet-

tus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Absent: Director Sims.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Donna Felder, Acting Director, Office of Equal Opportunity.

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

**Resolution No. 28-04.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2004 in the amount of \$219.59, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 29-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Midwest Pre-sort Mailing Services Inc., for an estimated quantity of Pre-Sort Mail Services, items nos. 1, 2 and 3 (52 weeks) for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on January 8, 2004, pursuant to the authority of Ordinance No. 2024-03 passed November 10, 2003, which on the basis of the estimated quantity would amount to Six Thousand Nine Hundred Seventy Two and 00/100 Dollars (\$6,972.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 104780 which shall be certified against such contract in the sum of Three Hundred Fifty and 00/100 Dollars (\$350.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 30-04.**

By Director Konicek.

Resolved by Board of Control of the City of Cleveland that the bid of Allstate Industrial, Inc. for the following: Flame Resistant Clothing, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 20th day of November 2003, pursuant to the authority of Ordinance No. 220-01, passed March 30, 2001, which on the basis of the order quantity would amount to \$7,258.50 (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Acting Director Nielson, Director Sims.

**Resolution No. 31-04.**

By Director Konicek.

Be it resolved, by Board of Control of the City of Cleveland that all bids received on December 26, 2003, for labor and materials necessary to repair tree lawns and landscape maintenance, for the Divisions of Water and Water Pollution Control facilities, Department of Public Utilities, pursuant to the authority of Ordinance No. 1153-03, passed by the Council of the City of Cleveland on August 13, 2003 are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Acting Director Nielson, Director Sims.

**Resolution No. 32-04.**

By Director Konicek.

Be it resolved, by Board of Control of the City of Cleveland that all bids received on January 15, 2004 for Superior Avenue Sewer Relining Project for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Ordinance No. 644-03, passed by the Council of the City of Cleveland on July 16, 2003 are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Acting Director Nielson, Director Sims.

**Resolution No. 33-04.**

By Director Ricchiuto.

Resolved, by Board of Control of the City of Cleveland that the bid of Valk Manufacturing Company for an estimated quantity of plow blades and curb bumpers, item No. 1, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the execution of this contract, received on November 20, 2003, pur-

suant to the authority of Ordinance No. 362-03, passed March 24, 2003, which on the basis of the estimated quantity would amount to Sixty-Three Thousand Six Hundred Ten and 00/100 Dollars (\$63,610.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139458

which shall be certified against such contract in the sum of Twenty-Five Thousand Two Hundred Fifty and 00/100 Dollars (\$25,250.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 34-04.**

By Director Ricchiuto.

Resolved, by Board of Control of the City of Cleveland that the bid of Old Dominion Brush Company for an estimated quantity of Elgin Gutter Broom Sets, tubes and gutter brooms (all items) for the Division of Streets, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on November 14, 2003, pursuant to the authority of Ordinance No. 369-03, passed March 24, 2003, which on the basis of the estimated quantity would amount to Sixty Seven Thousand Eighty Six and 00/100 Dollars (\$67,086.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139456

which shall be certified against such contract in the sum of Sixteen Thousand Five Hundred Fourteen and 00/100 Dollars (\$16,514.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 35-04.**

By Director Ricchiuto.

Resolved, by Board of Control of the City of Cleveland that the bid of Unique Paving Materials Corporation for an estimated quantity of SSI Tack Coat, item No. 2, for the Division of Streets, Department of Public Service, for the period of one (2) years beginning with the date of execution of a contract, received on November 20, 2003, pursuant to the authority of Ordinance No. 430-03, passed May 12, 2003, which on the basis of the estimated quantity would amount to One Hundred Sixteen Thousand and 00/100 Dollars (\$116,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139457

which shall be certified against such contract in the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 36-04.**

By Director Ricchiuto.

Resolved, by Board of Control of the City of Cleveland that the bid of Able Contracting Group, Inc. for an estimated quantity of Guard Rail Elements, all items, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on November 21, 2003, pursuant to the authority of Ordinance No. 368-03, passed March 24, 2003, which on the basis of the estimated quantity would amount to Fifty Seven Thousand Five Hundred Thirty and 00/100 Dollars (\$57,530.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139459

which shall be certified against such contract in the sum of Three Thousand Eight Hundred Fifty and 00/100 Dollars (\$3,850.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting

Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 37-04.**

By Director Ricchiuto.

Resolved, by Board of Control of the City of Cleveland that the bid of Kimble Mixer Company for an estimated quantity of 10.5-cubic yards concrete mixer body, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on December 10, 2003, pursuant to the authority of Ordinance No. 1845-02, passed by the Council of the City of Cleveland on October 7, 2002, which on the basis of the estimated quantity would amount to Forty-Two Thousand Nine Hundred Sixty-Six and 00/100 Dollars (\$42,966.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130194

which shall be certified against such contract in the sum of Forty-Two Thousand Nine Hundred Sixty-Six and 00/100 Dollars (\$42,966.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 38-04.**

By Director Ricchiuto.

Be it resolved by Board of Control of the City of Cleveland that the bid of Traff-Tech Inc. for purchase of labor and materials to paint various pavement markings on the roadway, items 1, 2, 3, and 4 for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on January 2, 2004, pursuant to the authority of Ordinance No. 371-03, passed March 24, 2003, which on the basis of the estimated quantity would amount to Seventy Seven Thousand Seven Hundred and Twenty 00/100 Dollars (\$77,720.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby authorized to enter into a requirement contract for such goods which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 139726

which shall be certified against such contract in the sum of Eighteen Thousand 00/100 Dollars (\$18,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 39-04.**

By Director Ronayne.

Be it resolved by Board of Control of the City of Cleveland, that pursuant to Ordinance No. 837-02, passed by the Council of the City of Cleveland on June 10, 2002, the firm of HWH Architects Engineers Planners, Inc., is hereby selected upon the nomination of the Director of Parks, Recreation, and Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation, and Properties as the firm of architects ("Architect") to be employed by contract for the purpose of supplementing the regularly employed staff of the Division of Architecture in order to provide the professional services necessary for building improvements for the photo lab relocation.

Be it further resolved, that the Director of Parks, Recreation, and Properties are hereby authorized to enter into a written contract with HWH Architects Engineers Planners, Inc., based upon its proposal dated, November 21, 2003, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Eleven Thousand Five Hundred and no/100 Dollars (\$11,500.00). Reimbursable expenses shall not exceed One Thousand Five Hundred and no/100 Dollars (\$1,500.00). The total compensation to the Architect shall not exceed Thirteen Thousand and no/100 Dollars (\$13,000.00).

Be it further resolved, that the employment of the following subconsultant by HWH Architects Engineers Planners, Inc., is hereby approved:

Sandhu & Associates  
(MBE) \$3,200 (24.62%)

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 40-04.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 133-22-052 under said Land Reutilization Program; and

Whereas, Ordinance No. 2094-01 and 1178-03 passed March 11, 2002 and December 15, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Darlene Carmicle and Dorothy Jean Williams have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2094-01 and 1178-03 passed March 11, 2002 and December 15, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Darlene Carmicle and Dorothy Jean Williams for the sale and development of Permanent Parcel No. 133-22-052, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President



## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 23, 2004

9:30 A.M.

**Calendar No. 03-341:** 1871 West 25th Street (Ward 14)

With a Motion for Rehearing granted, Rialto Corporation c/o Paul Cirjak, owner, and Moda, c/o Michael Van Uum, tenant, appeal to expand an existing nonconforming night club use, previously granted by the Board of Zoning Appeals in Calendar No. 01-47, by adding a 1,500 s/f outdoor patio and increasing the occupancy by 100 persons for a 60' x 84' brick building situated on a 66' x 157' parcel located in a General Retail Business District on the east side of West 25th Street at 1871 West 25th Street; the proposed expansion being contrary to the provisions of Specific Uses Regulated in Section 347.12(a) that require a night club to be 500' from a Residential District and the location is within 100' of a Multi-Family District to the north; and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(e), where a parking area equal to three times the gross floor area (5,400 s/f — 54 spaces) is required and none is provided; and subject to the provisions under Nonconforming Uses, where an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 04-24:** 2202 Prame Avenue (Ward 14)

The Catholic Diocese of Cleveland, owner, and West Side Ministries, prospective purchaser, appeal to change, for the use of office space, a four-story brick, parish dwelling building, situated on an acreage parcel located in a Multi-Family District on the north side of Prame Avenue at 2202 Prame Avenue; contrary to Section 337.08 of the Residential Districts Regulations, where an office use is not permitted in a Multi-Family District and contrary to the Off-Street Parking and Loading Requirements, there is no parking provided on the premises and office use requires parking at the rate of one space per 500 s/f or 235 spaces as stated in Section 349.04 of the Codified Ordinances.

**Calendar No. 04-25:** 3146 Scranton Road (Ward 14)

The Catholic Diocese of Cleveland, owner, and West Side Ministries, prospective purchaser, appeal to change, for the use of administrative offices, community meetings, assembly and after school youth programs, an existing five-story brick school building, situated on an approximate 219' x 196' parcel in a Local Retail Business District on the west side of Scranton Road at 3146 Scranton Road; contrary to Section 343.01 of the Business Districts Regulations, where the use for offices is only permitted in a Local Retail Business District if the occupancy is limited to five or less employees; and subject to the provisions for Nonconforming Uses, where the existing site is nonconforming to the requirements for yards, landscaping and parking, and the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the a Codified Ordinances.

**Calendar No. 04-26:** 488 East 105th Street (Ward 8)

J.C. Green, owner, appeals to establish use as a construction material storage yard an approximate 60' x 409' irregular shaped parcel, located in a Semi-Industry District on the west side of East 105th Street at 488 East 105th Street; contrary to Section 339.03(a) of the Off-Street Parking and Loading Requirements, where accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage, so that all water drains within the lot and are paved with concrete, asphalt or similar surfacing material and maintained in good condition, free of trash and debris; and contrary to Section 352.09 of the Landscaping and Screening Requirements, where a 10' wide transition strip is required along Elk Avenue between the Semi-Industry and Two-Family Districts and an 8' wide transition strip is required along the south side of the lot between the Semi-Industry and the Multi-Family Districts and none are provided; and contrary to the Fence Regulations where corrugated metal fence material is not permitted in a Semi-Industry District but first permitted in a General Industry District as stated in Section 358.06(a) of the Codified Ordinances.

**Calendar No. 04-27:** 10201 Elk Avenue (Ward 8)

J.C. Green, owner, appeals to establish use as a construction material storage yard an approximate 211' x 300' irregular shaped parcel located in a Semi-Industry District on the north side of Elk Avenue at 10201 Elk Avenue; contrary to the Section 339.03(a) of the Off-Street Parking and Loading Requirements where off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage, so that all water drains within the lot and are paved with concrete, asphalt or similar surfacing material and maintained in good condition, free of debris and trash; and contrary to Section 352.09 of the Landscaping and Screening Requirements, where a 10' wide transition strip is required along Elk Avenue between the Semi-Industry and the Two-Family Districts and none is provided; and contrary to the Fence Regulations, where corrugated metal fence material is not permitted in a Semi-Industry District but first permitted in a General Industry District as stated in Section 358.06(a) of the Codified Ordinances.

**Calendar No. 04-28:** 14223 Berwyn Avenue (Ward 21)

Robert Wathey, owner, appeals to enclose an existing 10' x 24' front porch of a one-family dwelling situated on a 52' x 110' parcel located in a Two-Family District on the south side of Berwyn Avenue at 14223 Berwyn Avenue; contrary to the Yards and Courts Regulations, where an enclosed porch with a 10' projection is proposed and not more than a 4' projection is allowed as stated in Section 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 04-37:** 4001-4141 N. Marginal Road (Ward 13)

The City of Cleveland, owner, appeals to change to a use as a Class "B" Multiple Dwelling the former Benjamin Davis Aviation High School building located in a General Industry District on an acreage

parcel north of the Memorial Shoreway at 4001-4141 North Marginal Road; contrary to the Industrial Districts Regulations, where no building or premises shall be erected, altered or arranged for human habitation as stated in Section 345.04(c)(1) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 9, 2004

At the meeting of the Board of Zoning Appeals on Monday, February 9, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 04-14:** 18901 St. Clair Avenue

David Pysell appealed to establish use as a used car lot and repair an existing one-story brick building on an irregular shaped corner parcel in a General Industry and a Semi-Industry District; subject to modified plan.

**Calendar No. 04-16:** 4553 West 130th Street

Richard Bogdan appealed to change a one-story masonry building to an auto repair (muffler and exhaust installation and repair) in a General Retail Business District; subject to conditions.

**Calendar No. 04-17:** 6966 Broadway Avenue

The Alliance of Poles appealed to install an 8' high wood fence to enclose a dumpster and two air conditioner units at the rear of a brick building in a General Retail Business District; subject to modified plan.

**Calendar No. 04-20:** 410 West 152nd Street

The Cleveland Municipal School District appealed to erect a two-story kindergarten through 8th grade public school in a Two-Family and a Multi-Family District.

**Calendar No. 04-23:** 701 W. Lakeside Avenue

Pinnacle 701 LLC appealed to erect a three level parking garage addition and six additional floors for 80 residential apartment units over a two-story brick parking garage building in a Limited Retail Business District.

The following appeal was **Denied**:

**Calendar No. 04-15:** 18235 Euclid Avenue

Kimco of Ohio appealed to maintain existing dumpsters that are not screened nor enclosed along the rear of a shopping center in a General Retail Business District and a Shopping Center District.

The following appeal was **Postponed**:

**Calendar No. 03-315:** 3611 Payne Avenue postponed to March 1, 2004.

**On Monday, February 9, 2004, in Executive Session:**

The following appeals were heard by the Board on Monday, February 2, 2004, and said deci-

sions were approved and adopted in Executive Session on Monday, February 9, 2004:

The following appeals were **Approved**:

**Calendar No. 03-344:** 3500 East 147th Street

The Cleveland Municipal School District appealed to construct a two-story elementary/middle school building in a Local Retail Business District and in a Two-Family District.

**Calendar No. 03-347:** 3735 West 33rd Street

Alex Badea appealed to enclose an 18' x 31' porch of a two-story dwelling units building in a Two-Family District.

**Calendar No. 04-02:** 4507 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-03:** 4509 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-04:** 4511 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-05:** 4515 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-06:** 4517 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame one family townhome on a 16.5' x 82' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-07:** 4519 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame one family townhome on a 26' x 82' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-08:** 4521 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame one family townhome on a 26' x 78' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-09:** 4523 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 78' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-10:** 4525 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-11:** 4527 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-12:** 4529 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 16' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 04-13:** 4531 West 193rd Street

Ameri-Con, Inc. appealed to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 79' area of a 300' x 174' parcel located in a Multi-Family District.

**Calendar No. 03-330:** 1082-98 East 105th Street

Maher J. Ali appealed to construct a 50' x 97' one-story grocery store building on an approximate 143' x 155' corner parcel located in a Local Retail Business District and a Two-Family District.

EUGENE CRANFORD, JR.,  
Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, February 25, 2004 1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, February 25, 2004, at 1:30 P.M., to consider the following ordinances now pending in the Council:

**Ord. No. 2407-03.**

By Council Member Coats. An ordinance to change the zoning of properties south of the Norfolk and Western Rail Right of Way between Octavia Road and Clarkstone Road from a General Industry Use District, a Semi-Industry Use District, and a Multi-Family Residential Use District to a Residence-Industry Use District, and from a "3" Height District to a "2" Height District (Map Change No. 2103, Sheet No. 7)

**Ord. No. 2457-03.**

By Council Member Reed. An ordinance to change the zoning of properties along Union Avenue from East 116th to East 127th Streets (Map Change No. 2098, Sheet No. 10) from a General Retail Business Use District to a Two-Family Residential Use District and from a "C" Area District to a "B" Area District and to change the zoning of properties on the Southeast corner of Union Avenue and East 124th Street (Map Change No. 2105, Sheet No. 10) from a General Retail Business Use District to a Local Retail Business Use District.

**Ord. No. 2458-03.**

By Council Member Reed. An ordinance to change the zoning of properties along Kinsman Road from East 117th to East 123rd Streets (Map Change No. 2099, Sheet No. 10) and along Kinsman between East 125th and East 126th Streets (Map Change No. 2104, Sheet No. 10) from Local Retail Business Use Districts to Two-Family Residential Use Districts and from "C" Area to "B" Area Districts.

**Ord. No. 8-04.**

By Council Member Reed. An ordinance to change the zoning of properties north of Kinsman Road from East 152nd Street to East 153rd Street from a Local Retail Business Use District to an RA-2 Townhouse Use District (Map Change No. 2109, Sheet No. 10).

**Ord. No. 9-04.**

By Council Member Reed. An ordinance to change the zoning of properties north of Kinsman Road between East 132nd and East 134th Streets from a Local Retail Business Use District and a Two-Family Residential Use District to a Multi-Family Use District; from a "B" Area District to a "C" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2106, Sheet No. 10).

**Ord. No. 10-04.**

By Council Member Reed. An ordinance to change the zoning of properties along Kinsman Road and Union Avenue from East 130th Street to East 139th Street from a Local Retail Business Use District, General Retail Business Use District, and Semi-Industry Use District to a Residence-Office Use District; from a "C" Area District to a "B" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2108, Sheet No. 10).

**Ord. No. 11-04.**

By Council Members Reed and Johnson. An ordinance to change the zoning of properties along Kinsman Road between East 137th and East 146th Streets from a General Retail Business Use District to a Local Retail Business Use District and from a "2" Height District to a "1" Height District (Map Change No. 2107, Sheet No. 10).

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

February 11, 2004 and February 18, 2004

**NOTICE OF PUBLIC HEARING**

February 5, 2004

Dear Interested Party:

The Fair Employment Wage Board of the City of Cleveland is charged with providing an evaluation of the impact of the Fair Employment Wage Ordinance after its first three years. In order to prepare such an evaluation, The Fair Employment Wage Board is planning a public hearing to gather comments on the application of the law.

The Hearing will be held on Wednesday February 18, 2004 from 1 to 3 p.m. at Cleveland City Hall, Room 514, 601 Lakeside Avenue, Cleveland, OH 44114.

Anyone who has comments is invited to testify. The Board would prefer that testimony be limited to 5 minutes per person and copies of testimony or recommendations be presented in writing for the record. Those invited to testify include businesses to which the Fair Employment Wage applies, business support groups, union groups, advocacy groups, and any other interested individual or group.

After the hearing, the Fair Employment Wage Board will prepare a report on the laws effect over the last three years and make recommendations for consideration by the City Administration and the City Council.

Please contact Gerald Meyer at 216-592-2262 or Tanya Jones at 216-664-2406 if you need additional information.

Sincerely,

GERALD H. MEYER,  
Chairperson  
Fair Employment Wage Board

February 11, 2004 and February 18, 2004

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE

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

**WEDNESDAY, FEBRUARY 18, 2004**

**Thurgood Marshall Recreation Center, Helen Simpson Park & Orr Park Site Improvements**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1748-99 and 1114-02, passed by the Council of the City of Cleveland, April 17, 2000 and June 17, 2002, respectively.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 12, 2004 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.**

February 4, 2004 and February 11, 2004

**THURSDAY, FEBRUARY 19, 2004**

**Keypunch Services**, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 2303-03, passed by the Council of the City of Cleveland, November 24, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 12, 2004 AT 10:00 A.M., CENTRAL COLLECTION AGENCY, 1701 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

February 4, 2004 and February 11, 2004

**WEDNESDAY, FEBRUARY 25, 2004**

**Labor & Materials Necessary to Maintain and Repair Air Conditioning Systems**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1163-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, WEDNESDAY, FEBRUARY 18, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

February 4, 2004 and February 11, 2004

**THURSDAY, FEBRUARY 26, 2004**

**Rehabilitation of Kinsman Road from East 93rd Street to East Corp. Line**, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance Nos. 482-02, 1530-02 and 990-03, passed by the Council of the City of Cleveland, May 13, 2002, November 25, 2002 and June 10, 2003, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, TUESDAY, FEBRUARY 17, 2004 AT 2:00 P.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

February 4, 2004 and February 11, 2004

**WEDNESDAY, FEBRUARY 25, 2004**

**Glenville Recreation Center Playground Improvements**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1114-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 19, 2004 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.**

**Labor & Materials Necessary to Repair and Maintain Various Pump Stations**, for the Division of Water Pollution, Department of Public Utilities, as authorized by Ordinance No. 2139-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, FRIDAY, FEBRUARY 20, 2004 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

February 11, 2004 and February 18, 2004

**THURSDAY, FEBRUARY 26, 2004**

**Rehabilitation of Kinsman Road from East 93rd Street to East Corp. Line**, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance Nos. 482-02, 1530-02 and 990-03, passed by the Council of the City of Cleveland, May 13, 2002, November 25, 2002 and June 10, 2003, respectively.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT**

OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A MANDATORY PRE-BID MEETING, TUESDAY, FEBRUARY 17, 2004 AT 2:30 P.M., CITY HALL, ROOM 6 (BASEMENT), 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Miscellaneous-Sized Steel Plates**, for the various divisions of the Department of Finance, as authorized by Ordinance No. 2021-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, FEBRUARY 20, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

February 11, 2004 and February 18, 2004

### WEDNESDAY, MARCH 3, 2004

**Labor & Materials to Repair Water Mains-Area: West**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2311-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, FEBRUARY 20, 2004 AT 1:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**One (1) Yard Crane — New or Used**, for the various divisions of the Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, FEBRUARY 23, 2004 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Two (2) Cab/Chassis with Digger/Derrick Device**, for the various divisions of the Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, FEBRUARY 23, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

February 11, 2004 and February 18, 2004

### WEDNESDAY, MARCH 10, 2004

**Labor & Materials Necessary to Remove Rubber and Any Other Contaminants from Paved Surfaces**, for various divisions of the Department of Port Control, as authorized by Ordinance No.

2031-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, FEBRUARY 25, 2004 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

February 11, 2004 and February 18, 2004

## ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 170-04.**

**By Council Member Cintron.**

**An emergency resolution supporting the proposal of the Catholic Charities Housing Corporation to provide affordable housing for the benefit of elderly citizens of Cleveland through the use of funding from the Ohio Housing Finance Agency.**

Whereas, each year the Ohio Housing Finance Agency allocates funding for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in our neighborhoods; and

Whereas, the Catholic Charities Housing Corporation has developed a comprehensive plan to identify those areas that would be appropriate for housing developments for the elderly; and

Whereas, the Catholic Charities Housing Corporation is proposing to develop up to thirty (30) apartment housing units for the elderly at 3200 West 33rd Street; and

Whereas, 100% of these units will be affordable to seniors age fifty-five (55) and older; 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 the Council of the City of Cleveland supports the proposal of the Catholic Charities Housing Corporation to develop affordable housing for the elderly citizens of Cleveland through the use of funding from the Housing Credit, Affordable Housing Loan, and Development Assistance Program of the Ohio Housing Finance Agency.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of the resolution to the Executive Director of the Catholic Charities Housing Corporation.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 172-04.**

**By Council Member Coats.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 17234 Euclid Avenue and repealing Resolution No. 1303-03, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 17234 Euclid Avenue by Resolution No. 1303-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Roosevelt Coats and Applicant, Willie J. Ashley, President of Progro, Inc., DBA Our Neighborhood Store, 17234 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 7094927, a copy of which is in the file for this address with the City Law Department; 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 and C2 Liquor Permit to Progro, Inc., DBA Our Neighborhood Store, 17234 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 7094927 be and the same is hereby withdrawn and Resolution No. 1303-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 173-04.**

**By Council Member Coats.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 13933 St. Clair Avenue and repealing Resolution No. 1304-03, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 13933 St. Clair Avenue by Resolution No. 1304-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Roosevelt Coats and Applicant, Christine Shelton, President of Wilchrist, Inc., DBA Christine's Lounge, 13933 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9606930, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a D1, D2, D3 and D3A Liquor Permit to Wilchris, Inc., DBA Christine's Lounge, 13933 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9606930 be and the same is hereby withdrawn and Resolution No. 1304-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 174-04.**

**By Council Member Conwell.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 891 Lakeview Road, 1st Floor and repealing Resolution No. 2351-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 891 Lakeview Road, 1st Floor by Resolution No. 2351-03 adopted by the Council on November 24, 2003; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Lakeview Food Enterprises, Inc., DBA In and Out Beverage, 891 Lakeview Road, 1st Floor, Cleveland, Ohio 44108, Permanent Number 4980548 be and the same is hereby withdrawn and Resolution No. 2351-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 175-04.**

**By Council Member Gordon.**

**An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 3870 Pearl Road and repealing Resolution No. 841-03, objecting to said permit.**

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 3870 Pearl Road by Resolution No. 841-03 adopted by the Council on May 12, 2003; and

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

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

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

**Section 1.** That objection to a New C1 and C2 Liquor Permit to F J G, Inc., DBA Gallos Convenient Market, 3870 Pearl Road, Cleveland, Ohio 44109, Permanent Number 2600067, be and the same is hereby withdrawn and Resolution No. 841-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 176-04.**

**By Council Member Gordon.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4818-22 Memphis Avenue and Patio and repealing Resolution No. 1315-03, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 4818-22 Memphis Avenue and Patio by Resolution No. 1315-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Gilberto Crespo, President of HIM, Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 3845983, a copy of which is in the file for this address with the City Law Department; 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 HIM, Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue and Patio, Cleveland, Ohio 44144, Permanent Number 3845983 be and the same is hereby withdrawn and Resolution No. 1315-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 177-04.**

**By Council Member Gordon.**

**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3801-03 Denison Avenue and repealing Resolution No. 1314-03, objecting to said renewal.**

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3801-03 Denison Avenue by Resolution No. 1314-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Rita P. Kovach, President of Kovach-Ford, Inc., 3801-03 Denison Avenue, 1st Floor and Basement, Cleveland, Ohio 44109, Permanent Number 4817939, a copy of which is in the file for this address with the City Law Department; 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 D2, D2X, D3 and D3A Liquor Permit to Kovach-Ford, Inc., 3801-03 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 4817939 be and the same is hereby withdrawn and Resolution No. 1314-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 2, 2004.

Effective February 4, 2004.

**Res. No. 175-04.****By Council Member Gordon.**

**An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 5200 Memphis Avenue and repealing Resolution No. 1316-03, objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 5200 Memphis Avenue by Resolution No. 1316-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Robert Smigelski, President of Revenue, Inc., 5200 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 7315819, a copy of which is in the file for this address with the City Law Department; 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 D5 and D6 Liquor Permit to Revenue, Inc., 5200 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 7315819 be and the same is hereby withdrawn and Resolution No. 1316-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 2, 2004.  
Effective February 4, 2004.

**Res. No. 179-04.****By Council Member Polensek.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit at 568 East 185th Street and repealing Resolution No. 2117-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 568 East 185th Street by Resolution No. 2117-03 adopted by the Council on October 27, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement signed January 29th, 2004 by and through City Council Representative, Michael D. Polensek and Applicant, Samy Herwabi, President of S & M, Inc., DBA Back Door Beverage, 568 East 185th Street, Cleveland, Ohio 44119, Permanent Number 7641741, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a D1 and D2 Liquor Permit to 568 East 185th Street be and the same is hereby withdrawn and Resolution No. 2117-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 1219-03.**

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

**An emergency ordinance determining the method of making the public improvement of performing asbestos abatement and authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland it is determined to make the public improvement of performing asbestos abatement, for the various divisions of the Department of Port Control, by a public improvement requirement contract let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** That the Director of Port Control is authorized to enter into one or more requirement contracts for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period of one or two years. 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 Director of Port Control 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 3.** That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 133212)

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2163-03.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with US Cotton, LLC to provide for a ten-year, sixty-five percent tax abatement for certain tangible personal property as an incentive to acquire new machinery and equipment to improve their operations at their facility located at 15501 Industrial Parkway in the Area Enterprise Zone; and authorizing an exemption from the requirements of the Cleveland Fair Employment Law.**

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

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

Whereas, US Cotton, LLC (the "Enterprise") has proposed to improve the efficiency and operations of their facility located at 15501 Industrial Parkway in the Cleveland Area Enterprise Zone; and

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety,

property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty-five percent (65%) tax abatement for certain tangible personal property as an incentive to acquire new machinery and equipment to improve their operations at their facility located at 15501 Industrial Parkway in the Area Enterprise Zone; the abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 2163-03-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

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

**Section 5.** That, under Section 189.06 of the Codified Ordinances of Cleveland, Ohio, 1976, the Enterprise is granted a hardship exemption from the provisions of the Cleveland Fair Employment Law contained in Chapter 189 of the Codified Ordinances.

**Section 6.** That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the Director deems necessary to protect the City's interest.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2226-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 1597-02, passed August 14, 2002, relating to the employment of one or more consultants to provide professional services relating to implementing FAA-mandated security enhancements and upgrades at Cleveland Hopkins International Airport and authorizing standard and requirement contracts necessary for implementation.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1597-02, passed August 14, 2002 is amended to read as follows:

**Section 2.** That the Director of Port Control is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials to apply a protective coating on existing glass areas, labor and materials to install roadway bollards and identification badges for employees, at a total cost not to exceed \$100,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

**Section 2.** That Section 2 of Ordinance No. 1597-02, passed August 14, 2002 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.

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2326-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, relating to the design of the FAA TRACON Renovation at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, is amended to read as follows:

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more 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 Improvement described in Section 2 hereof, including:

(1) Design of FAA TRACON Renovation, in an amount not to exceed \$380,276.82;

(2) Design of NASA Facilities and Relocation, in an amount not to exceed \$20,335,402.00; and

(3) Design of Doan Brook, in an amount not to exceed \$600,000.00.

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

**Section 2.** That existing Section 1 of Ordinance No. 552-2000, passed June 19, 2000, as amended by Ordinance No. 1234-2000, passed July 17, 2000, 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.

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2327-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and replace interior plants and exterior site landscaping, 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 term of one year or two years for the necessary items of labor and materials necessary to maintain and replace interior plants and exterior site landscaping in the approximate amount as purchased during the preceding term, 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 deter-

mines. 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 139916)

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

Passed February 2, 2004.

Effective February 4, 2004.

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**Ord. No. 2328-03.**

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

**An emergency ordinance authorizing the Director of Port Control to employ one or more surveyors and consultants or one or more firms of surveyors and consultants to provide professional services necessary to survey various parcels or portions of parcels of land and for quality assurance services.**

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

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

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more surveyors or one or more firms of surveyors 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 survey various parcels or portions of parcels of land under the jurisdiction and control of the various divisions of the Department of Port Control, as directed by the Director of Port Control, for a term not to exceed one year.

**Section 2.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to pro-

vide professional services necessary to perform construction quality assurance services, including testing and inspection necessary for airport construction projects as directed by the Director of Port Control, for a term not to exceed one year.

**Section 3.** The selection of the surveyors and consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified surveyors and consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the cost of contract or contracts authorized shall not exceed \$200,000 and shall be paid from Fund No. 60 SF 001, Request No. 139918.

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

Passed February 2, 2004.

Effective February 4, 2004.

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**Ord. No. 2360-03.**

**By Council Member Jones.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Naples, Florida and Lincoln Avenues to Amistad Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 142-25-125, 142-27-069 and 142-27-153, as more fully described below, to Amistad 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. 142-25-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 163 in Bella Villa Allotment of part of Original Warrensville Township Lot. No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Northerly side of Naples Avenue, S.E. and extending back of equal width, 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 142-27-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 240 in Bella Villa Allotment of a part of Original Warrensville Township Lot No. 104 as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Florida Avenue, S.E., and extending back between lines 100 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.

P. P. No. 142-27-153

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 50.00 feet of Sublot Nos. 329 and 330 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, and being 50.00 feet front on the Westerly side of East 153rd Street and extending back of equal width 60 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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



Board of Control, the Director of Community Development or the Director of Law.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2361-03.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Velina L. Mainor.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-009, 118-05-010 and 118-05-045 (Southeasterly part), as more fully described below, to Velina L. Mainor.

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

P. P. No. 118-05-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in the Stevens and Cass Re-Subdivision of part of the Johnson, Bates and Stone Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat of said Re-Subdivision in Volume 15 of Maps, Page 12 of Cuyahoga County Records. Said Sublot No. 36 has a frontage of 40 feet on the Southerly side of Hough Avenue, N.E. and extends back between parallel lines 125 feet, appears by said plat.

P. P. No. 118-05-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 95 feet of Sublot No. 35 in Stevens and Cass Subdivision of part of Original One Hundred Acre Lot

Nos. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Hough Avenue, N.E., and extending back of equal width 95 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-05-045  
(Southeasterly part)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 35 in Stevens and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Hough Avenue, N.E. (66 feet wide) at the Northwesterly corner of said Sublot No. 35; thence Southerly, along the Westerly line of said Sublot No. 35, about 85.00 feet to a point therein and the principal place of beginning of the parcel of land herein intended to be described; thence continuing along said Westerly line of Sublot No. 35, 30.00 feet to the Southwesterly corner thereof; thence Easterly, along the Southerly line of said Sublot No. 35, 40.00 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 35, 30.00 feet to a point therein; thence Westerly along a line parallel with the Southerly line of said Hough Avenue, N.E., 40.00 feet to the principal place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2400-03.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Burten, Bell, Carr Development, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-032, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-28-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 39 feet of Sublot No. 235 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 14 of Cuyahoga County Records. Said part of Sublot No. 235 has a frontage of 39 feet on the Westerly side of East 59th Street (formerly First Avenue) and extends back between parallel lines 150 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.

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2425-03.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Datamatic to install, implement, configure, manage, and integrate upgrades for the automatic meter reading system; and authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Datamatic for the purchase of automatic meter reading upgrades, equipment, and appurtenances, including hardware, and software necessary for the upgrade, and maintenance for a period of one year, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more contracts with Datamatic for professional services necessary to install, implement, configure, manage, and integrate upgrades for the automatic meter reading system on the basis of its proposal dated November 10, 2003, for the Department of Public Utilities.

**Section 2.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Datamatic. Therefore the Director of Public Utilities is

authorized to make one or more written contracts with Datamatic on the basis of its proposal dated November 10, 2003, for automatic meter reading upgrades, equipment, and appurtenances, including hardware, and software necessary for the upgrade, and maintenance for a period of one year, to be purchased by the Commissioner of Purchases and Supplies, on a unit basis for the Division of Water, Department of Public Utilities.

**Section 3.** That the cost of the contracts authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, and from the fund and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which are issued for this purpose, Request No. 143089.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2427-03.**

**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 provide a comprehensive financial plan for the years 2006 through 2010, including but not limited to cost of service studies and rate and fee analyses, for the Divisions of Water and Water Pollution 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 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 provide a comprehensive financial plan for the years 2006 through 2010, including but not limited to cost of service studies and rate and fee analyses for the Divisions of Water and Water Pollution Control.

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 Nos. 52 SF 001 and 54 SF 001, Request No. 143090.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2428-03.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with International Business Machines Corporation for maintenance and technical support of an AS 400 billing system, including appurtenances, for a period of three years.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more contracts with International Business Machines Corporation for professional services necessary for maintenance and technical support of an AS 400 billing system, including appurtenances, for a period of three years on the basis of its proposal dated November 1, 2003, in the total sum of \$995,703, for the Division of Water, Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 52 SF 001, Request No. 142795.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 2429-03.**

**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 provide engineering, water quality and analyses, environmental, safety, forensic, and other services needed for the Division of Water, Department of Public Utilities, for a period not to exceed 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 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 provide engineering services; construction inspection services; structural and geotechnical analysis services; permit applications services; materials testing and analysis services; risk assessments services; cost-benefit analysis services; laboratory and monitoring services; environmental and safety consulting services; remediation and disposal services; forensic investigations services; hazardous materials remediation and disposal services; water quality and treatment process assessments and analysis services; and other related professional consulting services needed for the Division of Water, Department of Public Utilities, for a period not to exceed one year.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment 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 contractor 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 said contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 142796.

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

Passed February 2, 2004.

Effective February 4, 2004.

**Ord. No. 2430-03.**  
**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 new customer information and billing system, including related services.**

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

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

**Section 1.** That the Director of Public 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 new customer information and billing system including but not limited to optimization, assessment, integration, program or project management, implementation, including system design development and deployment, preparation of specifications and requests for proposals, training, and technical support, and other related services.

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. 52 SF 001, Request No. 143091.

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

Passed February 2, 2004.

Effective February 4, 2004.

**Ord. No. 2432-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design the extension of Runway 6R-24L at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That the Director of Port Control is authorized to 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 design the extension of Runway 6R-24L at Cleveland Hopkins International Airport.

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

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 146047.

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

Passed February 2, 2004.

Effective February 4, 2004.

**Ord. No. 119-04.**  
**By Council Members Westbrook, Cimperman and Jackson.**

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Air Services of Cleveland, Inc. for the use and occupancy of certain space in the Secondary Hangar at Cleveland Hopkins International Airport and for ramp and parking areas adjacent to the premises.**

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 ("Director") is authorized to enter into a Lease By Way of Concession ("Lease") with Air Services of Cleveland, Inc. ("Lessee") for the use and occupancy of approximately 36,400 square feet of space known as Bays D and E, and 46,800 square feet of adjacent preferential use ramp area, and 12,480 square feet of space known as Bay F, and 18,720 square feet of adjacent preferential use ramp area in the Secondary Hangar, and preferential use of the parking lot immediately adjacent to the Secondary Hangar (together, the "Premises") at Cleveland Hopkins International Airport for operation of an aircraft hangar and for jet maintenance services. The term of the Lease shall be for

a period of five (5) years (the "Initial Term") with an option by Lessee to extend the term of the Lease for three (3) additional five-year periods (the "First Extended term", "Second Extended Term", and "Third Extended Term", respectively).

Lessee shall pay rent for use of the Premises as follows: Bays D, E and F, including associated ramp and parking areas - \$3.50 per square foot per year. The annual rent shall be increased by 5% in each of the First Extended Term, Second Extended Term, and Third Extended Term.

Lessee shall make a minimum of \$189,060 in capital improvements to the Premises, and purchase \$173,530 in new equipment during the first year of the Initial Term. The City shall issue credits against rent for the capital improvements made to the Premises by Lessee, provided such improvements are first approved in writing, by the Director. The credits against rent shall be amortized over the Initial Term of the Lease. Notwithstanding rent credits issued by the City, Lessee shall pay to the City a minimum annual guaranteed rent of \$7,500 during the Initial Term. Any rent credits not applied during the Initial Term shall be forfeited by Lessee.

**Section 2.** That the Lease authorized by this ordinance shall be prepared by the Director of Law and shall contain any additional terms and conditions that the Director deems necessary to protect and benefit the public interest.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 161-04.**  
**By Council Members Coats and Jackson (by departmental request).**

**An emergency ordinance to amend the title, Section 1, and Section 2 of Ordinance No. 2308-03, passed December 15, 2003, relating to the public improvement of cleaning and cement mortar lining of various distribution water mains.**

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, Section 1, and Section 2 of Ordinance No. 2308-03, passed December 15, 2003, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains within the

Cleveland Water System; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning and cement mortar lining of various distribution water mains within the Cleveland Water System, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

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

**Section 2.** That the existing title, Section 1, and Section 2 of Ordinance No. 2308-03, passed December 15, 2003, are repealed.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 163-04.**  
**By Council Members Lewis, Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a swimming pool heater, including attachments and accessories, at Thurgood Marshall Recreation Center, for the Division of Property Management, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a swimming pool heater, including attachments and accessories, at Thurgood Marshall Recreation Center, to be purchased by the Com-

missioner of Purchases and Supplies on a unit basis, for the Division of Property Management, Department of Parks, Recreation and Properties.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 143187.

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

Passed February 2, 2004.  
Effective February 4, 2004.

**Ord. No. 171-04.**  
**By Mayor Campbell and Council Member Sweeney.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 670.01 to 670.19 and 670.99 relating to the commissioning of armed security guards.**

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 670.01 to 670.19 and 670.99 to read as follows:

**Chapter 670**  
**Commissioning of Armed Security Guards**

**Section 670.01 Definition**  
As used in this chapter, "armed security guard" means a person engaged for hire or employed as a watchman, guard, private policeman, or other person whose primary duty is to protect persons or property or both, with the exception of such persons who do not carry a weapon of any kind, but does not include any police officer, special police officer, or any other person who by virtue of federal, state, or local law, excluding this chapter, is a "law enforcement officer" as defined in Section 2901.01 of the Revised Code.

**Section 670.02 Application Forms; Availability; Contents**

The Director of Public Safety shall make application forms available to any person who requests to be commissioned as an armed security guard.

The application form shall require the applicant to provide his or her full name, current residence, previous residences within the five-year period preceding the date of the application, age, place of birth, citizenship, current employment, and previous employment within the five-year period preceding the date of the application.

In addition, the application shall include all of the questions contained in divisions (g) and (h) of Section 670.03, and may include other questions that the Director determines to be administratively helpful in determining whether the applicant is qualified to be commissioned under this chapter.

The application form shall also require the submission of at least two references to the good character and integrity of the applicant, which may not be a family member or the applicant's current employer.

The applicant shall swear or affirm before a notary public that the information contained in the application is true.

If the applicant provides incomplete or untruthful information in connection with the application for a commission, it shall be grounds for denial of the commission.

#### **Section 670.03 Requirements for Obtaining a Commission**

A person may be commissioned as an armed security guard if he or she:

(a) Is an "armed security guard" as defined in Section 670.01; and  
(b) Is twenty-one years of age or older; and

(c) Is a United States citizen; and  
(d) Is able to read, write, and speak the English language; and

(e) Has good eyesight; and

(f) Has height, weight, and muscle tone within normal range; and

(g) Answers all of the following questions in the negative:

"(1) Are you under indictment or have you been convicted of a felony of violence?"

"(2) Are you under indictment or have you been convicted of a crime involving force or threat of force?"

"(3) Are you currently engaging in the illegal use of drugs?"

"(4) Are you engaged in the abuse of alcohol?"; and

(h) Answers all of the following questions in the negative or demonstrates to the satisfaction of the Director of Public Safety that an affirmative answer will not adversely affect the applicant's ability to perform the job of a commissioned armed security guard:

"(1) Have you ever been convicted of a crime under federal, state, or local law, other than a minor traffic violation? If you answer 'yes', explain.

"(2) Are you under a current court order that may affect your ability to perform the job of an armed security guard? If you answer 'yes', explain.

"(3) Do you have any condition that would render you unfit to carry a firearm? If you answer 'yes', explain."; and

(i) Submits a letter from the applicant's employer indicating that the applicant is employed as an armed security guard; and

(j) Submits proof of age in the form of a birth certificate or valid driver's license; and

(k) Submits proof that any handgun that the applicant may use in

the course of his or her duties has been registered; and

(l) Submits all of the items required by Sections 670.06, 670.07, and 670.09.

(m) Is fingerprinted for purposes of a criminal background check as required by Section 670.08.

(n) Pays all applicable fees as required by this chapter.

(o) Is not under any of the legal disabilities set forth in Section 2923.13 of the Revised Code preventing such person from acquiring, having, carrying, or using any firearm or dangerous ordnance.

The Director of Public Safety is authorized to commission armed security guards who have complied with all applicable provisions of this chapter.

#### **Section 670.04 Duration of Commission**

Each commission or renewal of a commission issued under this chapter shall be in effect for a period of one year, unless sooner suspended or revoked in accordance with Sections 670.17 and 670.18.

#### **Section 670.05 Appeal**

Any person denied a commission under this chapter may appeal the decision to the Board of Zoning Appeals within thirty days of the decision by filing a written notice of appeal with the Director and paying any fee charged by the Board to conduct the appeal.

#### **Section 670.06 Ohio Peace Officer Training**

Every applicant for a commission shall submit with the application evidence of satisfactory completion of a minimum of 120 hours of basic law enforcement training certified by the Ohio peace officer training commission.

#### **Section 670.07 Weapons Qualification**

Every new applicant for a commission shall submit with the application evidence that the applicant has completed, within two (2) years prior to the date of the application, a firearms training program certified by the Ohio peace officer training commission or has been requalified within two (2) years prior to the date of the application, through a course certified by the Ohio peace officer training commission or at the City's firing range.

Every applicant for renewal of a commission under this chapter shall submit evidence that the applicant has completed firearms requalification within ninety (90) days prior to the date of the expiration of the commission being renewed, through a course certified by the Ohio peace officer training commission or at the City's firing range.

#### **Section 670.08 Background Check**

The applicant shall be fingerprinted for purposes of conducting a criminal background check. The

applicant shall pay a non-refundable fee of fifteen dollars (\$15.00) for the costs of the background check.

#### **Section 670.09 Photographs of Applicant**

Upon notification by the office of the Director of Public Safety that the applicant will be issued a new or renewed commission under this chapter, the applicant shall submit two (2) current unretouched photographs of himself or herself, the size and character of which shall be designated by the Director. One of the photographs shall be affixed to the identification card issued under Section 670.11.

#### **Section 670.10 Application Fee; Firing Range Fee**

A non-refundable fee of eighty-five dollars (\$85.00) shall be charged to an applicant for the issuance of a new commission or for the renewal of a commission.

A non-refundable fee of fifteen dollars (\$15.00) shall be charged for each use of the City's firing range for the purpose of passing a weapons qualification test.

#### **Section 670.11 Commission Identification Card**

(a) Any person issued a commission under this chapter shall be issued a photo identification card that shall contain at a minimum the person's name, the name of the person's employer(s), the date of expiration of the commission, and an identification number unique to that individual.

(b) Each armed security guard issued a photo identification card under this section shall carry the card on his or her person at all times while engaged in armed security guard duties.

(c) No person while engaged in armed security guard duties shall fail to present the photo identification card issued under this section to a police officer upon demand.

#### **Section 670.12 Approval of Uniforms**

No armed security guard commissioned under this chapter shall use or wear a name tag, distinctive uniform, cap, badge, or button until their form, design, and color have been submitted to and approved by the Director of Public Safety.

#### **Section 670.13 Imitation of Official Uniforms**

No person who is not a member of the Division of Police or the Division of Fire shall wear a uniform, cap, badge, or button similar to, or in imitation of, the official uniform, cap, badge, or button in use at any time by a member of either such Division.

#### **Section 670.14 Limitation of Authority**

The Director of Public Safety may designate the property or the geo-

graphical area of the City within which an armed security guard commissioned by the City may exercise his or her authority.

Commissioned armed security guards shall not obtain search warrants or warrants for arrest or perform any other specific function which the Director of Safety may, by rules and regulations, reserve exclusively to the Division of Police or which are exclusively reserved by the ordinances of the City and the City Charter to the Division of Police.

Commissioned armed security guards shall exercise their authority consistent with all applicable federal, state, and local laws.

#### **Section 670.15 Firearms**

In no event shall a commissioned armed security guard use or carry a firearm greater than a .38 caliber handgun.

If a commissioned armed security guard discharges his or her firearm in the City other than at a training range, then the guard shall report that fact to the Director of Public Safety, in writing, within two (2) business days of the incident.

Nothing in this chapter shall relieve a person from the provisions and prohibitions contained in Section 2923.12 of the Revised Code relating to carrying a concealed weapon, or any other federal, state or local law with respect to the possession or discharge of firearms.

#### **Section 670.16 Reporting of Criminal Offenses**

If a commissioned armed security guard is arrested or charged with any felony offense, or any offense of violence as defined in Section 2901.01 of the Revised Code, then the guard shall report that fact to the Director of Public Safety, in writing, within two (2) business days of the arrest or charge. If convicted of any such charge, then the commissioned guard shall also report that fact to the Director of Public Safety, in writing, within two (2) business days of the conviction.

#### **Section 670.17 Grounds for Suspension and Revocation of Commission**

Any commission issued under this chapter is subject to suspension or revocation if the holder of the commission:

(a) Has violated any of the provisions of this chapter; or

(b) Has violated any rule or regulation issued by the Director of Public Safety under Section 670.19; or

(c) Was unqualified at the time of the issuance of the commission; or

(d) Has become unqualified and would be denied a commission if he or she was then submitting an application; or

(e) Has provided incomplete or untruthful information in connection with the application for a commission; or

(f) Has given a false statement to a law enforcement officer; or

(g) Has committed any criminal offense that would have been grounds for denial of the commission originally, and the same is found to be true by a preponderance of the evidence at a hearing conducted in accordance with Section 670.18, whether or not the person is ultimately convicted of the offense.

#### **Section 670.18 Suspension and Revocation Procedure**

The Director of Public Safety, upon the complaint of any person, or upon the Director's own information or belief, shall investigate any allegation that a commissioned armed security guard has committed an act that constitutes grounds for suspension or revocation of a commission issued under this chapter.

If the Director finds that there is probable cause to believe there is grounds to suspend or revoke a commission, the Director shall give the holder of the commission notice and an opportunity to present evidence on his or her behalf, with or without assistance of an attorney. The strict rules of evidence applicable in courts of law shall not apply.

If the Director finds that the allegations are true by a preponderance of the evidence, then the Director shall suspend or revoke the commission in question.

A person whose commission is suspended or revoked may appeal the decision to the Board of Zoning Appeals within thirty days of the date of the decision by filing a written notice of appeal with the Director and paying any fee charged by the Board to conduct the appeal.

#### **Section 670.19 Rules and Regulations**

The Director of Public Safety is authorized to issue rules and regulations to carry out the purposes of this chapter. Any such rule or regulation shall take effect thirty days after its publication in the City Record.

#### **Section 670.99 Penalty**

(a) Any person who violates division (c) of Section 670.11 is guilty of a minor misdemeanor on the first offense, and a misdemeanor of the fourth degree on the second and each subsequent offense.

(b) Any person who violates Section 670.13 is guilty of a misdemeanor of the fourth degree.

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

Passed February 2, 2004.

Effective February 4, 2004.

## **COUNCIL COMMITTEE MEETINGS**

**Monday, February 9, 2004  
9:00 a.m.**

**City Planning, Community and Economic Development and Finance Committees:** Present in City Planning: Cimperman, Chair; Rybka, Vice Chair; Lewis, O'Malley, Pierce Scott, Westbrook, Brady, Pro-Tem. *Authorized Absence:* Conwell.

Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

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

**9:00 a.m.**

**Public Service, City Planning and Finance Committees:** Present in Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady, Johnson.

Present in City Planning: Cimperman, Chair; Rybka, Vice Chair; Lewis, O'Malley, Pierce Scott, Westbrook, Brady, Pro-Tem. *Authorized Absence:* Conwell.

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

**9:00 a.m.**

**Legislation and Finance Committees:** Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Gordon, Rybka, Johnson, Westbrook, Brady, Pro-Tem.

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

**9:00 a.m.**

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

**Tuesday, February 10, 2004  
9:00 a.m.**

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

**Wednesday, February 11, 2004  
9:00 a.m.**

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

# Index

O—Ordinance; R—Resolution; F—File  
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
 Bold type in sections indicates amendments

**Agreements**

Recycling bins — placement — Cleveland Municipal School District — Cleveland Public  
 Libraries — other entities (O 94-04) ..... 182

**American Red Cross**

Urban Area Security Initiative Program 2003 — grant — agreements — County of Cuyahoga  
 & American Red Cross Greater Cleveland Chapter (O 205-04)..... 178

**Appropriations**

Bessemer Ave. — extension — appropriate property (O 167-04) ..... 182

**Board of Control — Architecture Division**

Photo lab relocation building improvements — contract per Ord. 837-02 to HWH Architects  
 Engineers Planners, Inc. — Dept. of Parks, Recreation and Properties (BOC Res. 39-04)..... 184

**Board of Control — Cleveland Public Power Division**

Clothing, flame resistant — contract per Ord. 2201-01 to Allstate Industrial, Inc.  
 - Dept. of Public Utilities (BOC Res. 30-04) ..... 183

**Board of Control — Community Development Department**

East 91st Street, 3514 (Ward 2) — PPN 133-22-052 — to Darlene Carmicle and Dorothy Jean  
 Williams per Ord. 2094-01 and 1178-03 (BOC Res. 40-04) ..... 184

**Board of Control — Finance Department**

Pre-sort mail service — contract per Ord. 2024-03 to Midwest-Pre-sort Mailing Services Inc. (BOC Res. 29-04) ..... 182  
 Sale of scrap, personal property and by-products — Report for January 2004 — Division of  
 Purchases and Supplies (BOC Res. 28-04) ..... 182

**Board of Control — Land Reutilization Program**

East 91st Street, 3514 (Ward 2) — PPN 133-22-052 — to Darlene Carmicle and Dorothy Jean  
 Williams per Ord. 2094-01 and 1178-03 (BOC Res. 40-04) ..... 184

**Board of Control — Land Reutilization Program (Ward 2)**

East 91st Street, 3514 (Ward 2) — PPN 133-22-052 — to Darlene Carmicle and Dorothy Jean  
 Williams per Ord. 2094-01 and 1178-03 (BOC Res. 40-04) ..... 184

**Board of Control — Parks, Recreation and Properties Department**

Photo lab relocation building improvements — contract per Ord. 837-02 to HWH Architects  
 Engineers Planners, Inc. — Division of Architecture (BOC Res. 39-04) ..... 184

**Board of Control — Professional Service Contracts**

Photo lab relocation building improvements — contract per Ord. 837-02 to HWH Architects  
 Engineers Planners, Inc. — Division of Architecture, Dept. of Parks, Recreation and  
 Properties (BOC Res. 39-04) ..... 184

**Board of Control — Public Service Department**

Concrete mixer body, 10.5 cubic yards — contract per Ord. 1845-02 to Kimble Mixer Company (BOC Res. 37-04) ..... 184  
 Elgin Gutter Broom sets, tubes and gutter brooms — contract per Ord. 369-03 to Old  
 Dominion Brush Company — Division of Streets (BOC Res. 34-04) ..... 183  
 Guard rail elements — contract per Ord. 368-03 to Able Contracting Group, Inc. — Division  
 of Streets (BOC Res. 36-04) ..... 183  
 Paint pavement markings on roadways — contract per Ord. 371-03 to Traff-Tech Inc. —  
 Division of Traffic Engineering (BOC Res. 38-04)..... 184  
 Plow blades and curb bumpers — contract per Ord. 362-03 to Valk Manufacturing Company —  
 Division of Streets (BOC Res. 33-04)..... 183  
 SSI tack coat — contract per Ord. 430-03 to Unique Paving Materials Corporation —  
 Division of Streets (BOC Res. 35-04)..... 183

**Board of Control — Public Utilities Department**

Clothing, flame resistant — contract per Ord. 2201-01 to Allstate Industrial, Inc. —  
 Division of Cleveland Public Power (BOC Res. 30-04) ..... 183  
 Superior Avenue Sewer relining project — per Ord. 644-03 — all bids rejected — Division  
 of Water Pollution Control (BOC Res. 32-04) ..... 183  
 Tree lawn repair and landscaping maintenance, labor and materials to — per Ord. 1153-03 —  
 all bids rejected — Divisions of Water and Water Pollution Control (BOC Res. 31-04) ..... 183

**Board of Control — Purchases and Supplies Division**

Sale of scrap, personal property and by-products — Report for January 2004 — Dept.  
 of Finance (BOC Res. 28-04) ..... 182

**Board of Control — Requirement Contracts**

Concrete mixer body, 10.5 cubic yards — contract per Ord. 1845-02 to Kimble Mixer Company —  
 Dept. of Public Service (BOC Res. 37-04) ..... 184  
 Elgin Gutter Broom sets, tubes and gutter brooms — contract per Ord. 369-03 to Old  
 Dominion Brush Company — Division of Streets, Dept. of Public Service (BOC Res. 34-04) ..... 183  
 Guard rail elements — contract per Ord. 368-03 to Able Contracting Group, Inc. — Division  
 of Streets, Dept. of Public Service (BOC Res. 36-04) ..... 183  
 Paint pavement markings on roadways — contract per Ord. 371-03 to Traff-Tech Inc. —  
 Division of Traffic Engineering, Dept. of Public Service (BOC Res. 38-04) ..... 184  
 Plow blades and curb bumpers — contract per Ord. 362-03 to Valk Manufacturing Company —  
 Division of Streets, Dept. of Public Service (BOC Res. 33-04) ..... 183  
 Pre-sort mail service — contract per Ord. 2024-03 to Midwest-Pre-sort Mailing Services  
 Inc. — Dept. of Finance (BOC Res. 29-04) ..... 182  
 SS1 tack coat — contract per Ord. 430-03 to Unique Paving Materials Corporation —  
 Division of Streets, Dept. of Public Service (BOC Res. 35-04) ..... 183

**Board of Control — Standard Purchase Contracts**

Clothing, flame resistant — contract per Ord. 2201-01 to Allstate Industrial, Inc. —  
 Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 30-04) ..... 183

**Board of Control — Streets Division**

Elgin Gutter Broom sets, tubes and gutter brooms — contract per Ord. 369-03 to Old  
 Dominion Brush Company — Dept. of Public Service (BOC Res. 34-04) ..... 183  
 Guard rail elements — contract per Ord. 368-03 to Able Contracting Group, Inc. — Dept.  
 of Public Service (BOC Res. 36-04) ..... 183  
 Plow blades and curb bumpers — contract per Ord. 362-03 to Valk Manufacturing Company —  
 Dept. of Public Service (BOC Res. 33-04) ..... 183  
 SS1 tack coat — contract per Ord. 430-03 to Unique Paving Materials Corporation — Dept.  
 of Public Service (BOC Res. 35-04) ..... 183

**Board of Control — Traffic Engineering Division**

Paint pavement markings on roadways — contract per Ord. 371-03 to Traff-Tech Inc. — Dept.  
 of Public Service (BOC Res. 38-04) ..... 184

**Board of Control — Water Division**

Tree lawn repair and landscaping maintenance, labor and materials to — per Ord. 1153-03 —  
 all bids rejected — Dept. of Public Utilities (BOC Res. 31-04) ..... 183

**Board of Control — Water Pollution Control Division**

Superior Avenue Sewer relining project — per Ord. 644-03 — all bids rejected — Dept. of  
 Public Utilities (BOC Res. 32-04) ..... 183  
 Tree lawn repair and landscaping maintenance, labor and materials to — per Ord. 1153-03 —  
 all bids rejected — Dept. of Public Utilities (BOC Res. 31-04) ..... 183

**Board of Zoning Appeals — Report**

Broadway Avenue, 6966, (Ward 12) — The Alliance of Poles, owner c/o Francis Rutkowski —  
 appeal heard on 2/9/04 (Cal. 04-17) ..... 185  
 East 105th Street, 1082-98, (Ward 8) — Maher J. Ali, owner — appeal granted and adopted  
 on 2/9/04 (Cal. 03-330) ..... 186  
 East 147th Street, 3500, (Ward 3) — Cleveland Municipal School District, owner, c/o David  
 Dickenson, agent — appeal granted and adopted on 2/9/04 (Cal. 03-344) ..... 186  
 East 152nd Street, 410, (Ward 10) — The Cleveland Municipal School District c/o Lester  
 Cumberlander, agent — appeal heard on 2/9/04 (Cal. 04-20) ..... 185  
 Euclid Avenue, 18235, (Ward 10) — Kimco of Ohio, Inc., owner c/o Thomas M. Shine, agent —  
 appeal heard on 2/9/04 (Cal. 04-15) ..... 185  
 Payne Avenue, 3611, (Ward 13) — Eric Duong, owner and Kevin Morand, agent — appeal  
 postponed to 3/1/04 on 2/9/04 (Cal. 03-315) ..... 185



St. Clair Avenue, 18901, (Ward 11) — David A. Pysell, owner — appeal heard on 2/9/04 (Cal. 04-14) ..... 185  
W. Lakeside Avenue, 701, (Ward 13) — Pinnacle 701 LLC, c/o Gus Georgalis, owner — appeal  
heard on 2/9/04 (Cal. 04-23) ..... 185  
West 130th Street, 4553, (Ward 20) — Richard Bogdan, owner — appeal heard on 2/9/04 (Cal. 04-16) ..... 185  
West 193rd Street, 4507, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-02) ..... 186  
West 193rd Street, 4509, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-03) ..... 186  
West 193rd Street, 4511, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-04) ..... 186  
West 193rd Street, 4515, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-05) ..... 186  
West 193rd Street, 4517, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-06) ..... 186  
West 193rd Street, 4519, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-07) ..... 186  
West 193rd Street, 4521, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-08) ..... 186  
West 193rd Street, 4523, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-09) ..... 186  
West 193rd Street, 4525, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-10) ..... 186  
West 193rd Street, 4527, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-11) ..... 186  
West 193rd Street, 4529, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-12) ..... 186  
West 193rd Street, 4531, (Ward 21) — Ameri-Con, Inc., owner, c/o Paul Ettore —  
appeal granted and adopted on 2/9/04 (Cal. 04-13) ..... 186  
West 33rd Street, 3735, (Ward 15) — Alex Badea, owner — appeal granted and adopted  
on 2/9/04 (Cal. 03-347) ..... 186

**Board of Zoning Appeals — Schedule**

Berwyn Avenue, 14223, (Ward 21) — Robert Wathey, owner — appeal to be heard on 2/23/04  
(Cal. 04-28) ..... 185  
East 105th Street, 488, (Ward 8) — J.C. Green, owner — appeal to be heard on 2/23/04 (Cal. 04-26) ..... 185  
Elk Avenue, 10201, (Ward 8) — J.C. Green, owner — appeal to be heard on 2/23/04 (Cal. 04-27) ..... 185  
N. Marginal Road, 4001-4141, (Ward 13) — City of Cleveland, owner — appeal to be heard  
on 2/23/04 (Cal. 04-37) ..... 185  
Prame Avenue, 2202, (Ward 14) — The Catholic Diocese of Cleveland, owner, and West Side  
Ministries, prospective purchaser — appeal to be heard on 2/23/04 (Cal. 04-24) ..... 185  
Scranton Road, 3146, (Ward 14) — The Catholic Diocese of Cleveland, owner, and West Side  
Ministries, prospective purchaser — appeal to be heard on 2/23/04 (Cal. 04-25) ..... 185  
West 25th Street, 1871, (Ward 14) — Rialto Corporation c/o Paul Cirjak, owner, and Moda,  
c/o Michael Van Uum, tenant — appeal to be heard on 2/23/04 (Cal. 03-341) ..... 185

**Bridges**

Main Avenue Bridge — paint the structural steel — County of Cuyahoga and the Ohio  
Department of Transportation (O 201-04) ..... 172

**Case Western Reserve University**

Case Western Reserve University North Residential Village Combined Cooling and Heating  
Program — grant — American Public Power Association (O 2431-03) ..... 182

**City of Cleveland Bids**

Air conditioning maintenance and repair — Department of Port Control — per Ord. 1163-03 —  
bid due February 25, 2004 (advertised 2/4/2004 and 2/11/2004) ..... 187  
Cab / chassis with digger / derick device — Department of Finance — per Ord. 1169-03 —  
bid due March 3, 2004 (advertised 2/11/2004 and 2/18/2004) ..... 188  
Crane, yard, new or used — Department of Finance — per Ord. 1169-03 — bid due March 3, 2004  
(advertised 2/11/2004 and 2/18/2004) ..... 188  
Glenville Recreation Center playground improvements — Department of Parks, Recreation and  
Properties — Division of Research, Planning and Development — per Ord. 1114-02 — bid  
due February 25, 2004 (advertised 2/11/2004 and 2/18/2004) ..... 187  
Keypunch services — Department of Finance — Division of Taxation — per Ord. 2303-03 — bid  
due February 19, 2004 (advertised 2/4/2004 and 2/11/2004) ..... 187  
Kinsman Road rehabilitation (E. 93rd St. to east corp. line) — Department of Public  
Service — Division of Engineering and Construction — per Ord. 482-02, 1530-02,  
990-03 — bid due February 26, 2004 (advertised 2/4/2004 and 2/11/2004) ..... 187  
Pump station repair and maintain — Department of Public Utilities — Division  
of Water Pollution Control — per Ord. 2139-03 — bid due February 25, 2004 (advertised  
2/11/2004 and 2/18/2004) ..... 187  
Rubber and other contaminant removal from paved surfaces — Department of Port Control —  
per Ord. 2031-03 — bid due March 3, 2004 (advertised 2/11/2004 and 2/18/2004) ..... 188

Steel plates, miscellaneous-sized — Department of Finance — per Ord. 2021-03 — bid due February 26, 2004 (advertised 2/11/2004 and 2/18/2004) ..... 188

Thurgood Marshall Recreation center, Helen Simpson Park, Orr Park site improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 1748-99, 1114-02 — bid due February 18, 2004 (advertised 2/4/2004 and 2/11/2004)..... 187

Water main repair (West) — Department of Public Utilities — Division of Water — per Ord. 2311-03 — bid due March 3, 2004 (advertised 2/11/2004 and 2/18/2004) ..... 188

**City Council**

Cuyahoga County Board of Elections — copies of Ordinance No. 2186-03 (F 220-04) ..... 171

**City Hall**

Public improvement — Cleveland City Hall (O 2143-03) ..... 180

**City Planning Commission**

Kinsman Rd. & Union Ave. (from E. 130th St. to E. 139th St.) — change the zoning — Residence-Office Use District — “B” Area District — “1” Height District (O 10-04) ..... 186

Kinsman Rd. (between E. 137th St. & E. 146th St.) — change the zoning — Local Retail Business Use District — “1” Height District (O 11-04)..... 186

Kinsman Rd. (E. 152nd to E. 153rd Sts.) — change the zoning — RA-2 Townhouse Use District (O 8-04) ..... 186

Kinsman Rd. (north, between E. 132nd & E. 134th) — change the zoning — Multi-Family Use District — “C” Area District — “1” Height District (O 9-04) ..... 186

Kinsman Rd. — from E. 117th to E. 123rd Sts. & between E. 125th & E. 126th Sts. — change zoning (O 2458-03) ..... 186

Norfolk and Western Rail Right of Way — between Octavia Rd & Clarkstone Rd — change the zoning — Residence-Industry Use District — “2” Height District (O 2407-03) ..... 186

Union Ave. — from E. 116th to E. 127th Sts. — & Union Ave. and East 124th (southeast corner) — change the zoning (O 2457-03) ..... 186

W. 77th and W. 79th Sts. — north of Madison Ave. — change the zoning — Multi-Family Residential Use District — “E” Area (O 215-04) ..... 177

**Cleveland Hopkins International Airport**

Air Services of Cleveland, Inc. — Lease By Way of Concession — use and occupancy — ramp and parking areas — Secondary Hangar (O 119-04)..... **195**

FAA TRACON Renovation — amend Ord. 552-2000 (O 2326-03) ..... **191**

HMSHost Corporation — copy of brochure re: New Concessions Program (F 216-04) ..... 171

Runway 6R-24L — extension — professional consultants (O 2432-03) ..... **195**

Security enhancements and upgrades — FAA-mandated — amend Ord. 1597-02 (O 2226-03) ..... **191**

**Cleveland Municipal School District**

Recycling bins — placement — agreements — Cleveland Public Libraries — other entities (O 94-04) ..... 182

**Cleveland Theater District**

Additional security — cleaning and maintaining — collective marketing (O 4-04) ..... 182

**Codified Ordinances**

Commissioning of armed security guards. — new Sections 670.01 to 670.19 and 670.99 (O 171-04) ..... **196**

Lottery and gambling winnings — taxable income — amend Sections 191.0318, 191.0501, 191.0901, and 191.1102 (O 116-04)..... 182

**Collinwood Community Services Center**

Public improvement — Collinwood Community Center (O 2142-03) ..... 180

**Communications**

Cuyahoga County Board of Elections — copies of Ordinance No. 2186-03 (F 220-04) ..... 171

Fair Employment Wage Board — public hearing notice (F 219-04) ..... 171

Fairmount Properties — notification of change of name from CenterPoint Properties (F 217-04) ..... 171

HMSHost Corporation — copy of brochure re: New Concessions Program at Cleveland Hopkins International Airport (F 216-04) ..... 171

Notification letter re: Ord. No. 1520-03 (F 1520-03-A)..... 171

**Community Development**

Daniels, Clifford M. & Williams, Donna W. — lease certain property — redeveloping, landscaping, and maintaining a parking lot (O 208-04) ..... 175

E. 100th St. — Land Reutilization Program — Fairfax Renaissance Development Corp. (O 213-04) ..... 176

E. 165th St., 741 — Land Reutilization Program — Collinwood Development Corp. (O 214-04) ..... 176

E. 70th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 2400-03) ..... **193**

Homeless assistance activities — Cleveland/Cuyahoga County Office of Homeless Services — amend Ord. 1501-03 (O 207-04) ..... 179

Hough Ave. — Land Reutilization Program — Velina L. Mainor (O 2361-03) ..... **193**

Naples, Florida and Lincoln Avenues — Land Reutilization Program — Amistad Development Corp. (O 2360-03) ..... **192**

New Fellowship Missionary Baptist Church After-school Leaders of Tomorrow Program — amend Ord. 1988-03 — Ward 8 NEF (R 209-04) ..... 179

**Condolences**

Drake El, Olga Louise (R 229-04) ..... 172

Lee Reed, Dora (R 227-04) ..... 172

O'Bannon, Pearl (R 231-04) ..... 172

Popek, Edward (R 232-04) ..... 172

Robinson, Elder James (R 233-04) ..... 172

Siemer, George (R 230-04) ..... 172

Stock, Robert (R 228-04) ..... 172

**Congratulations**

Cleveland — Marshall College of Law Library (R 234-04) ..... 172

**Contracts**

Case Western Reserve University North Residential Village Combined Cooling and Heating Program — grant — American Public Power Association (O 2431-03) ..... 182

Cognos Corporation — financial information budgeting system — upgrade and migrate — Public Utilities (O 2426-03) ..... 181

Datamatic — automatic meter reading system — purchase & upgrade — Division of Water (O 2425-03) ..... **194**

International Business Machines Corporation — AS 400 billing system — maintenance and technical support — Public Utilities (O 2428-03) ..... **194**

**Cuyahoga County**

Homeless assistance activities — Cleveland/Cuyahoga County Office of Homeless Services — amend Ord. 1501-03 (O 207-04) ..... 179

Main Avenue Bridge — paint the structural steel — County of Cuyahoga and the Ohio Department of Transportation (O 201-04) ..... 172

State Homeland Security Grant Program 2003, Part II — grant (O 206-04) ..... 178

Urban Area Security Initiative Program 2003 — grant — agreements — County of Cuyahoga & American Red Cross Greater Cleveland Chapter (O 205-04) ..... 178

**Economic Development Department**

Broadview Rd., 4479-83 — construction, renovation and soft costs — William J. Rosby — economic development assistance (O 203-04) ..... 174

Cleveland Theater District — additional security — cleaning and maintaining — collective marketing (O 4-04) ..... 182

US Cotton, LLC — Enterprise Zone Agreement — improvement — exemption — Cleveland Fair Employment Law (O 2163-03) ..... **190**

**Emergency Purchases**

Existing #3 Brick Sewer due to Collapse on East 4th Street — replacement — Mayor Emergency Requisition (F 218-04) ..... 171

**Enterprise Zone Agreement**

US Cotton, LLC — improvement — exemption — Cleveland Fair Employment Law (O 2163-03) ..... **190**

**Finance Department**

Corporate sponsorships for City facilities — study, assess, market, and sell — professional consultants (O 2136-03) ..... 180

**Fire Division**

Equipment purchase (O 3-04) ..... 181

**Funds**

Homeless assistance activities — Cleveland/Cuyahoga County Office of Homeless Services  
 — amend Ord. 1501-03 (O 207-04) ..... 179

**Grants**

Case Western Reserve University North Residential Village Combined Cooling and Heating  
 Program — American Public Power Association (O 2431-03) ..... 182  
 State Homeland Security Grant Program 2003, Part II — County of Cuyahoga (O 206-04)..... 178  
 Urban Area Security Initiative Program 2003 — agreements — County of Cuyahoga &  
 American Red Cross Greater Cleveland Chapter (O 205-04)..... 178

**Health Department Carroll, Matthew P. — oath of office — Director of Public**

Health (F.223-04) 171 Notification letter re: Ord. No. 1520-03 (F 1520-03-A) ..... 171

**Homeless**

Homeless assistance activities — Cleveland/Cuyahoga County Office of Homeless Services  
 — amend Ord. 1501-03 (O 207-04) ..... 179

**Land Reutilization Program**

E. 100th St. — Fairfax Renaissance Development Corporation (O 213-04) ..... 176  
 E. 165th St., 741 — Collinwood Development Corporation (O 214-04) ..... 176  
 E. 70th St. — Burten, Bell, Carr Development, Inc. (O 2400-03) ..... 193  
 Hough Ave. — Velina L. Mainor (O 2361-03) ..... 193  
 Naples, Florida and Lincoln Avenues — Amistad Development Corp. (O 2360-03)..... 192

**Lease by Way of Concession**

Air Services of Cleveland, Inc. — use and occupancy — ramp and parking areas —  
 Secondary Hangar (O 119-04)..... 195

**Liquor Permits**

Denison Ave., 3801-03 — objection — withdraw (Ward 15) (R 177-04) ..... 189  
 E. 185th St., 568 — objection — withdraw (Ward 11) (R 179-04) ..... 190  
 E. 93rd St., 3230 — new (Ward 5) (F 221-04)..... 171  
 Euclid Ave., 17234 — objection — withdraw (Ward 10) (R 172-04)..... 188  
 Lakeview Rd., 891 — objection — withdraw (Ward 9) (R 174-04)..... 189  
 Madison Ave., 10510-12 — transfer (Ward 19) (F 222-04)..... 171  
 Memphis Ave., 4818-22 — objection — withdraw (Ward 15) (R 176-04) ..... 189  
 Memphis Ave., 5200 — objection — withdraw (Ward 15) (R 178-04)..... 190  
 Pearl Rd., 3870 — objection — withdraw (Ward 15) (R 175-04)..... 189  
 St. Clair Ave., 13933 — objection — withdraw (Ward 10) (R 173-04)..... 188  
 Superior Ave., 4829 — objection — withdraw (Ward 13) (R 211-04) ..... 179  
 Woodhill Rd., 2603 — objection (Ward 6) (R 210-04) ..... 179

**Living Wage**

Fair Employment Wage Board — public hearing notice (F 219-04) ..... 171

**Neighborhood Equity Funds**

New Fellowship Missionary Baptist Church After-school Leaders of Tomorrow Program  
 — amend Ord. 1988-03 — Ward 8 (R 209-04)..... 179

**Oath of Office**

Carroll, Matthew P. — Director of Public Health (F 223-04) ..... 171  
 Jordan, Anthony D. — Chief Assistant Prosecutor (F 225-04) ..... 172  
 Steinberg, M. Ross — Professional Standards Administrator of the Department of Public  
 Safety (F 226-04)..... 172  
 Watson, Sanford E. — Director of Public Safety (F 224-04) ..... 171

**Ohio Department of Transportation (ODOT)**

Euclid Ave. — between the East Cleveland corporation line & the Euclid corporation line  
 — public improvement — Local Project Administration Agreement (O 2333-03) ..... 181  
 Main Avenue Bridge — paint the structural steel — County of Cuyahoga & Ohio Department  
 of Transportation (O 201-04) ..... 172  
 Traffic signals — upgrade and interconnect — three intersections — Cities of Cleveland  
 and Shaker Heights (O 64-04) ..... 182

**Ohio Housing Finance Agency**

Catholic Charities Housing Corporation — Council's support — affordable housing — elderly citizens (R 170-04) .....	188
Union Miles Homes IV Housing Tax Credit Development — NRC Group, LLC — Council's support (R 212-04) .....	180

**Parking**

Air Services of Cleveland, Inc. — Lease By Way of Concession — use and occupancy — ramp and parking areas — Secondary Hangar (O 119-04) .....	195
--	-----

**Parks, Recreation and Properties Department**

Jasper Playfield (perimeter) — purchase property (O 204-04) .....	174
Oakdale Ave. (southeast corner) — sell City-owned property — Amistad Development Corporation, Inc. (O 202-04) .....	173
Swimming pool heater — purchase — Thurgood Marshall Recreation Center (O 163-04) .....	196

**Plats**

Villas of Woodhaven Phase 2 — Subdivision Plat (F 191-04) .....	172
---	-----

**Port Control Department**

Air Services of Cleveland, Inc. — Lease By Way of Concession — use and occupancy — ramp and parking areas — Secondary Hangar (O 119-04) .....	195
Asbestos abatement — public improvement (O 1219-03) .....	190
FAA TRACON Renovation — Cleveland Hopkins International Airport — amend Ord. 552-2000 (O 2326-03) .....	191
Interior plants and exterior site landscaping — maintain and replace — various divisions (O 2327-03) .....	191
Runway 6R-24L — extension — professional consultants — Cleveland Hopkins International Airport (O 2432-03) .....	195
Security enhancements and upgrades — FAA-mandated — Cleveland Hopkins International Airport — amend Ord. 1597-02 (O 2226-03) .....	191
Survey various parcels — surveyors and consultants — employ (O 2328-03) .....	192

**Public Hearings (Notices)**

Kinsman Rd. & Union Ave. (from E. 130th St. to E. 139th St.) — change the zoning — Residence-Office Use District — "B" Area District — "1" Height District (O 10-04) .....	186
Kinsman Rd. (between E. 137th St. & E. 146th St.) — change the zoning — Local Retail Business Use District — "1" Height District (O 11-04) .....	186
Kinsman Rd. (E. 152nd to E. 153rd Sts.) — change the zoning — RA-2 Townhouse Use District (O 8-04) .....	186
Kinsman Rd. (north, between E. 132nd & E. 134th) — change the zoning — Multi-Family Use District — "C" Area District — "1" Height District (O 9-04) .....	186
Kinsman Rd. — from E. 117th to E. 123rd Sts. & between E. 125th & E. 126th Sts. — change zoning (O 2458-03) .....	186
Norfolk and Western Rail Right of Way — between Octavia Rd & Clarkstone Rd — change the zoning — Residence-Industry Use District — "2" Height District (O 2407-03) .....	186
Union Ave. — from E. 116th to E. 127th Sts. — & Union Ave. and East 124th (southeast corner) — change the zoning (O 2457-03) .....	186

**Purchases and Supplies Division**

Existing #3 Brick Sewer due to Collapse on East 4th Street — replacement — Mayor Emergency Requisition (F 218-04) .....	171
Jasper Playfield (perimeter) — purchase property — Dept. of Parks, Recreation and Properties (O 204-04) .....	174
Oakdale Ave. (southeast corner) — sell City-owned property — Amistad Development Corporation, Inc. (O 202-04) .....	173

**Recognition**

14th Annual National City Cleveland Home & Garden Show (R 238-04) .....	172
Organization of Chinese Americans of Greater Cleveland (R 235-04) .....	172
Task Force for Community Mobilization (R 236-04) .....	172
Walton, Delores (R 237-04) .....	172

**Resolutions — Miscellaneous**

Catholic Charities Housing Corporation — Council's support — affordable housing — elderly citizens — Ohio Housing Finance Agency (R 170-04) .....	188
Union Miles Homes IV Housing Tax Credit Development — NRC Group, LLC — Council's support — Ohio Housing Finance Agency (R 212-04) .....	180

**Safety Department**

Fire Division — purchase of equipment (O 3-04) ..... 181  
 Safety Department facilities — public improvement (O 2145-03) ..... 180  
 State Homeland Security Grant Program 2003, Part II — grant — County of Cuyahoga (O 206-04)..... 178  
 Steinberg, M. Ross — oath of office — Professional Standards Administrator of the  
 Department of Public Safety (F 226-04) ..... 172  
 Urban Area Security Initiative Program 2003 — grant — agreements — County of Cuyahoga  
 & American Red Cross Greater Cleveland Chapter (O 205-04)..... 178  
 Watson, Sanford E. — oath of office — Director of Public Safety (F 224-04) ..... 171

**Service Department**

Bennington Ave. — public improvement (O 2227-03) ..... 181  
 Bessemer Ave. — extension — appropriate property (O 167-04) ..... 182  
 Cleveland City Hall — public improvement (O 2143-03) ..... 180  
 Collinwood Community Center — public improvement (O 2142-03) ..... 180  
 Euclid Ave. — between the East Cleveland corporation line & the Euclid corporation line  
 — public improvement — Local Project Administration Agreement — Ohio Department  
 of Transportation (O 2333-03) ..... 181  
 Grayton Rd. — between Puritas Ave. & I-480 bridge — public improvement (O 2334-03) ..... 181  
 Kinsman Rd. — public improvement — amend Ord. No. 482-02 (O 2433-03) ..... 181  
 Lakeside Ave. & Van Aken Blvd. — public improvement (O 2241-03)..... 181  
 Main Avenue Bridge — paint the structural steel — County of Cuyahoga and the Ohio  
 Department of Transportation (O 201-04) ..... 172  
 Recycling bins — placement — agreements — Cleveland Municipal School District —  
 Cleveland Public Libraries — other entities (O 94-04) ..... 182  
 Safety Department facilities — public improvement (O 2145-03) ..... 180  
 Service Department facilities — public improvement (O 2146-03)..... 181  
 Sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge  
 approaches, utility box, casting adjustments — public improvement (O 2329-03)..... 181  
 Traffic signals — upgrade and interconnect — three intersections — Cities of Cleveland  
 and Shaker Heights (O 64-04) ..... 182  
 W. 105th St. — between Lorain Ave. & Bellaire Rd. — public improvement (O 2330-03) ..... 181

**Sidewalks**

Public improvement — sidewalks, driveway aprons, curbing, curb ramps, median strips,  
 intersections, bridge approaches, utility box, casting adjustments (O 2329-03) ..... 181

**Taxes**

Lottery and gambling winnings — taxable income — amend Sections 191.0318, 191.0501,  
 191.0901, and 191.1102 (O 116-04)..... 182

**Thurgood Marshall Recreation Center**

Swimming pool heater — purchase (O 163-04) ..... 196

**Utilities Department**

Case Western Reserve University North Residential Village Combined Cooling and Heating  
 Program — grant — American Public Power Association (O 2431-03) ..... 182  
 Cognos Corporation — contracts — financial information budgeting system — upgrade and  
 migrate (O 2426-03) ..... 181  
 Customer information and billing system — professional consultants (O 2430-03)..... 195  
 Datamatic — contracts — automatic meter reading system — purchase & upgrade —  
 Division of Water (O 2425-03) ..... 194  
 Engineering, water quality and analyses, environmental, safety, forensic, and other  
 services — professional consultants — Division of water (O 2429-03)..... 194  
 Existing #3 Brick Sewer due to Collapse on East 4th Street — replacement — Mayor  
 Emergency Requisition (F 218-04) ..... 171  
 Financial plan — 2006 through 2010 — professional consultants — Divisions of Water and  
 Water Pollution Control (O 2427-03) ..... 194  
 International Business Machines Corporation — contracts — AS 400 billing system  
 — maintenance and technical support — Public Utilities (O 2428-03) ..... 194  
 Water mains —cleaning and cement mortar lining — amend Ord. 2308-03 (O 161-04) ..... 196

**Ward 01**

Naples, Florida and Lincoln Avenues — Land Reutilization Program — Amistad Development  
 Corp. (O 2360-03) ..... 192  
 O'Bannon, Pearl — condolence (R 231-04) ..... 172  
 Oakdale Ave. (southeast corner) — sell City-owned property — Amistad Development  
 Corporation, Inc. (O 202-04) ..... 173

**Ward 02**

Robinson, Elder James — condolence (R 233-04) ..... 172  
 Union Miles Homes IV Housing Tax Credit Development — NRC Group, LLC — Council’s  
 support — Ohio Housing Finance Agency (R 212-04) ..... 180

**Ward 03**

14th Annual National City Cleveland Home & Garden Show — recognition (R 238-04) ..... 172  
 Drake El, Olga Louise — condolence (R 229-04) ..... 172  
 Kinsman Rd. & Union Ave. (from E. 130th St. to E. 139th St.) — change the zoning  
 — Residence-Office Use District — “B” Area District — “1” Height District (O 10-04) ..... 186  
 Kinsman Rd. (between E. 137th St. & E. 146th St.) — change the zoning — Local Retail  
 Business Use District — “1” Height District (O 11-04) ..... 186  
 Kinsman Rd. (E. 152nd to E. 153rd Sts.) — change the zoning — RA-2 Townhouse Use District (O 8-04) ..... 186  
 Kinsman Rd. (north, between E. 132nd & E. 134th) — change the zoning — Multi-Family Use  
 District — “C” Area District — “1” Height District (O 9-04) ..... 186  
 Kinsman Rd. — from E. 117th to E. 123rd Sts. & between E. 125th & E. 126th Sts. —  
 change zoning (O 2458-03) ..... 186  
 Task Force for Community Mobilization — recognition (R 236-04) ..... 172  
 Union Ave. — from E. 116th to E. 127th Sts. — & Union Ave. and East 124th (southeast  
 corner) — change the zoning (O 2457-03) ..... 186  
 Walton, Delores — recognition (R 237-04) ..... 172

**Ward 04**

Kinsman Rd. (between E. 137th St. & E. 146th St.) — change the zoning — Local Retail  
 Business Use District — “1” Height District (O 11-04) ..... 186

**Ward 05**

E. 70th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 2400-03) ..... **193**  
 E. 93rd St., 3230 — new — liquor permit (Ward 5) (F 221-04) ..... 171  
 Organization of Chinese Americans of Greater Cleveland — recognition (R 235-04) ..... 172

**Ward 06**

E. 100th St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 213-04) ..... 176  
 Villas of Woodhaven Phase 2 — Subdivision Plat (F 191-04) ..... 172  
 Woodhill Rd., 2603 — objection — liquor permit (R 210-04) ..... 179

**Ward 07**

Hough Ave. — Land Reutilization Program — Velina L. Mainor (O 2361-03) ..... **193**  
 Lee Reed, Dora — condolence (R 227-04) ..... 172

**Ward 08**

New Fellowship Missionary Baptist Church After-school Leaders of Tomorrow Program  
 — amend Ord. 1988-03 — NEF (R 209-04) ..... 179

**Ward 09**

Lakeview Rd., 891 — objection — withdraw — liquor permit (R 174-04) ..... **189**

**Ward 10**

Daniels, Clifford M. & Williams, Donna W. — lease certain property — redeveloping,  
 landscaping, and maintaining a parking lot (O 208-04) ..... 175  
 Euclid Ave., 17234 — objection — withdraw — liquor permit (R 172-04) ..... **188**  
 Norfolk and Western Rail Right of Way — between Octavia Rd & Clarkstone Rd — change the  
 zoning — Residence-Industry Use District — “2” Height District (O 2407-03) ..... 186  
 St. Clair Ave., 13933 — objection — withdraw — liquor permit (R 173-04) ..... **188**

**Ward 11**

Collinwood Community Center — public improvement (O 2142-03) ..... 180  
 E. 165th St., 741 — Land Reutilization Program — Collinwood Development Corporation (O 214-04) ..... 176  
 E. 185th St., 568 — objection — withdraw — liquor permit (R 179-04) ..... **190**

**Ward 12**

Bessemer Ave. — extension — appropriate property (O 167-04) ..... 182

**Ward 13**

Cleveland — Marshall College of Law Library — congratulation (R 234-04) ..... 172  
 Cleveland Theater District — additional security — cleaning and maintaining  
 — collective marketing (O 4-04) ..... 182  
 Lakeside Ave. & Van Aken Blvd. — public improvement (O 2241-03) ..... 181  
 Superior Ave., 4829 — objection — withdraw — liquor permit (R 211-04) ..... 179

**Ward 14**

Catholic Charities Housing Corporation — Council's support — affordable housing — elderly citizens — Ohio Housing Finance Agency (R 170-04) .....	188
--	-----

**Ward 15**

Broadview Rd., 4479-83 — construction, renovation and soft costs — William J. Rosby — — economic development assistance (O 203-04) .....	174
Denison Ave., 3801-03 — objection — withdraw — liquor permit (R 177-04) .....	189
Memphis Ave., 4818-22 — objection — withdraw — liquor permit (R 176-04) .....	189
Memphis Ave., 5200 — objection — withdraw — liquor permit (R 178-04) .....	190
Pearl Rd., 3870 — objection — withdraw — liquor permit (R 175-04) .....	189
Popek, Edward — condolence (R 232-04) .....	172

**Ward 16**

Siemer, George — condolence (R 230-04) .....	172
--	-----

**Ward 17**

W. 77th and W. 79th Sts. — north of Madison Ave. — change the zoning — Multi-Family Residential Use District — "E" Area (O 215-04) .....	177
---	-----

**Ward 18**

Jasper Playfield (perimeter) — purchase property — Dept. of Parks, Recreation and Properties (O 204-04) .....	174
W. 105th St. — between Lorain Ave. & Bellaire Rd. — public improvement (O 2330-03) .....	181

**Ward 19**

Jasper Playfield (perimeter) — purchase property — Dept. of Parks, Recreation and Properties (O 204-04) .....	174
Madison Ave., 10510-12 — transfer — liquor permit (F 222-04) .....	171

**Ward 20**

Euclid Ave. — between the East Cleveland corporation line & the Euclid corporation line — public improvement — Local Project Administration Agreement — Ohio Department of Transportation (O 2333-03) .....	181
Grayton Rd. — between Puritas Ave. & I-480 bridge — public improvement (O 2334-03) .....	181
US Cotton, LLC — Enterprise Zone Agreement — improvement — exemption — Cleveland Fair Employment Law (O 2163-03) .....	190

**Ward 21**

Stock, Robert — condolence (R 228-04) .....	172
---	-----

**Water Division**

Datamatic — contracts — automatic meter reading system — purchase & upgrade (O 2425-03) .....	194
Engineering, water quality and analyses, environmental, safety, forensic, and other services — professional consultants (O 2429-03) .....	194
Financial plan — 2006 through 2010 — professional consultants — Divisions of Water and Water Pollution Control (O 2427-03) .....	194
Water mains — cleaning and cement mortar lining — amend Ord. 2308-03 (O 161-04) .....	196

**Water Mains**

Cleaning and cement mortar lining — amend Ord. 2308-03 (O 161-04) .....	196
---	-----

**Water Pollution Control Division**

Financial plan — 2006 through 2010 — professional consultants — Divisions of Water (O 2427-03) .....	194
--	-----

**Zoning**

Kinsman Rd. & Union Ave. (from E. 130th St. to E. 139th St.) — change the zoning — Residence-Office Use District — "B" Area District — "1" Height District (O 10-04) .....	186
Kinsman Rd. (between E. 137th St. & E. 146th St.) — change the zoning — Local Retail Business Use District — "1" Height District (O 11-04) .....	186
Kinsman Rd. (E. 152nd to E. 153rd Sts.) — change the zoning — RA-2 Townhouse Use District (O 8-04) .....	186
Kinsman Rd. (north, between E. 132nd & E. 134th) — change the zoning — Multi-Family Use District — "C" Area District — "1" Height District (O 9-04) .....	186
Kinsman Rd. — from E. 117th to E. 123rd Sts. & between E. 125th & E. 126th Sts. — change zoning (O 2458-03) .....	186
Union Ave. — from E. 116th to E. 127th Sts. — & Union Ave. and East 124th (southeast corner) — change the zoning (O 2457-03) .....	186
W. 77th and W. 79th Sts. — north of Madison Ave. — change the zoning — Multi-Family Residential Use District — "E" Area (O 215-04) .....	177